

1 where he and he alone will ever read the notes; not that
2 slowly, no.

3 Q But you have noticed retouching because, as you
4 indicated, he wants them to look good?

5 A For purposes of legibility primarily.

6 Q Have you ever seen differences in someone's
7 handwriting between writing for a normal, personal note as
8 opposed to signing a will or writing a holographic will?

9 A I have seen several instances, yes.

10 Q Is the writing always the same?

11 A No. Again, you're dealing with formal and informal
12 writings. This doesn't usually apply to signatures as much as
13 it does to miscellaneous types. Signatures are more habitual
14 than the remainder of persons' writing habits. As a result,
15 there would be less variation between a signature on an
16 informal document and a signature on a formal than there would
17 be between most writings on an informal document than on a
18 formal document.

19 Q And a formal document would be a holographic will?

20 A I would consider that a formal document, yes.

21 Q Mr. Lile, I'm going to hand you a photocopy of
22 what, I believe, was the outer envelope of the will and the
23 note, and will you please identify these and just make sure
24 they are photocopies of your photographs of those documents?

25 A Yes, they are.

26 MR. BLUMENFELD: Mark that as exhibit next in order, I
27 believe, 12a and b, which is the outer envelope, and exhibit
28 13a and b, which is the note.

(The documents referred to were marked
by the notary public as Preponent's Exhibits
12a, 12b, 13a, and 13b for identification..

Q BY MR. BLUMENFELD: Other than Mr. Shanahan, did you talk to anyone else that is associated in any way with this case other than people in the FBI?

A The only persons outside the FBI laboratory I recall were personnel from Mr. Greenhalgh's office in Carson City and Mr. Shaneyfelt.

Q What is Mr. Greenhalgh's position?

A : He's chief investigator for the State Attorney General, State of Nevada.

Q Mr. Lile --

MR. LILIENSTERN: Excuse me, I thought you said earlier he spoke to you on the phone; perhaps I --

THE WITNESS: Other than my conversation with you.

Q BY MR. BLUMENFELD: Very good thought -- off the record.

(Discussion off the record.)

MR. BLUMENFELD: Back on the record.

Q BY MR. BLUMENFELD: Mr. Lile, when you look at a Xerox copy, can you tell what degree it is, if it's beyond the second or third?

A In some instances you can; in some instances you can't. There are too many variables involved: the condition of the original document; the condition of the photocopying machine; the handling of the intermediate copies. There are a large number of variables involved.

1 Q Do you consider the area of questioned documents,
2 handwriting, do you limit it to just handwriting assignments?

3 A ^{No, I} Yes, I don't. ^I

4 Q Other than your notes and your reports, have you
5 reviewed any other documents in preparation for this deposition?

6 A No, not specifically for this deposition, no.

7 Q Now, we have been talking about the differences
8 between the will and the exemplars; do you notice any similarities
9 -- and when I say similarities, I don't mean just in terms of
10 part of a letter; I mean similarities between whole letters
11 and words in the will as compared to any of the exemplars you
12 have reviewed?

13 A Any specific exemplars?

14 Q Any exemplars or any part of any exemplar you have
15 used?

16 A Not to the degree the will would be positively
17 linked to a particular exemplar as having been used as a model.
18 Similarities, yes, to the degree that the basic letter
19 formations in the will are copied and duplicated from the same
20 basic letter formations in the various exemplar writings.

21 Q In other words, you can look at certain letters
22 and letter formations in the will and tell which exemplar it
23 came from?

24 A No.

25 Q Did you find any letter or words in the will, in
26 reviewing it, that you could not tell the difference between
27 the letter word in the will and the exemplars, any part of
28 the exemplars?

1 A You mean --

2 Q To tell it was written by someone different?

3 A By formation?

4 Q You said it was a forgery and it was not written
5 by the same person as were the exemplars.

6 A That's correct.

7 Q Was any part of the will that, if you were to look
8 at it, you could say this appears to be written by the same
9 person who wrote the exemplars, any at all, either a letter or
10 word?

11 A No, no portion.

12 Q Did you notice any words in the exemplars that were
13 written letter by letter?

14 A I recall that the exemplars in many instances,
15 particularly later-dated ones, were considerably disjointed;
16 that is, a lot were disconnected between the letters.
17 Although I don't specifically recall entire words that are
18 completely disconnected letter by letter, I believe many of
19 them would be in there, yes.

20 Q Before I finish, I would just like to have a
21 stipulation that we do not have to have the reporter make any
22 copies of any of these exhibits for us.

23 MR. LILIENSTERN: For our copies of the deposition?
24 Sure.

25 MR. FREESE: Sure.

26 MR. MENCHETTI: So long as he has a copy on his original.
27 He will receive with his original a copy of all the exhibits?

28 MR. BLUMENFELD: That is correct. (Note. no copies of exhibits
were included with this original
when received in Washington, D.C.
on 8-12-77)

1 I have no further questions.

2
3 EXAMINATION

4 BY MR. LILIENSTERN:

5 Q Mr. Lile, I'm not sure this was asked very directly
6 Miss Reporter, may I see the exhibit of the will
7 and the inner envelope, the number of which I don't know.

8 MR. MINCETTI: 3a through e.

9 MR. BLUMENFELD: These are the photos.

10 MR. FREESE: It is Exhibit 3.

11 MR. BLUMENFELD: There it is, yes.

12 Q BY MR. LILIENSTERN: Mr. Lile, we have touched all
13 around the subject, but so there is no mistake on the record,
14 the document which you examined and which you told us here
15 today you determined to be a forgery and not in the handwriting
16 of Howard Hughes is this Exhibit 3a through 3e; is that correct
17 sir?

18 A Yes, this appears to be a complete photocopy of
19 the document.

20 Q You also testified, Mr. Lile, that there was
21 another individual in your office who initially was the
22 primary examiner on this case?

23 A That's correct.

24 Q Did you, when you, as you have described for us,
25 substituted in his place, use and make your own independent
26 judgment in the course of making your examination?

27 A Oh, yes.

28 Q Was it necessary that you rely upon any work that

1 he had done already or did you yourself, to whatever degree
2 you thought it was necessary, start anew?

3 A As I recall, the only part of this work that I
4 accepted was the photography of some of the items he had
5 already had completed. He had taken some physical measurements
6 as I recall, of the pages -- length, width, thickness of the
7 sheet. I saw no reason to repeat those. Other than that,
8 everything was done independently by me from his examination.

9 Q Okay. Mr. Blumenfeld asked you about letter
10 formations and you testified that there are, as I understand
11 your testimony, similarities in some letter formations between
12 the purported will and the exemplars which were provided for
13 you?

14 A Yes, the general formations of the letters, yes.
15 In most instances, the letters in the will were in general
16 conformity to the formation of the letters in the exemplars.

17 Q All right, let me ask you this: Based upon your
18 experience and background in the field of document examination,
19 isn't that the one factor which an examiner expects to be most
20 similar in a forgery, other than a rather obvious forgery?

21 A In a simulated forgery, if the letters did not
22 look anything at all like the model writings, it would be of
23 a tremendous surprise to the document examiner.

24 Q Sure, and in your experience is that a writing
25 characteristic which, if you will, lay forgers seek to attain
26 upon not being very familiar, as overtracing and pen lifts and
27 other subtle things you told us about today?

28 MR. BLUMENFELD: Object to the classification of lay

1 forgers. I don't even know what it means. I don't know if
2 Mr. Lile can given an opinion on such a question.

3 Q BY MR. LILIENSTERN: Well, let me refrat. . . .
4 Did you understand my question?

5 A I think I did.

6 Q Why don't you go ahead and answer it?

7 A Unskilled forgers, by their mere attempt to make
8 the letters conform precisely in formation, are forced to
9 write so slowly and retouch their omissions and their mistakes
10 that their work is exposed, yes. I believe that was your
11 question.

12 Q All right, sir, thank you.

13 With respect to exemplar K9, which Mr. Blumenfeld
14 asked you about; if I understood what you told us, you received
15 K9, which was what we have come to call the answers to --

16 MR. FREESE: The questionnaire.

17 Q BY MR. LILIENSTERN: Questionnaire from someone
18 in the Nevada Attorney General's office?

19 A I believe I do -- I would have to consult my report
20 for a detailed listing.

21 Q Would you do that, please, sir?

22 A Yes, K9 was received by mail from the Attorney
23 General of the State of Nevada.

24 Q And you further quoted from a letter from the law
25 firm of Davis & Cox earlier concerning the return of that
26 letter for use in some litigation?

27 A Yes, I did.

28 Q Is it your understanding, Mr. Lile, that that

1 questionnaire, being K9, was obtained by the Nevada Attorney
2 General's office from either Davis & Cox or the Summa
3 Corporation?

4 MR. BLUMENFELD: Object to that question as leading to
5 speculation and clearly hearsay and not within the area of
6 Mr. Lile's expertise.

7 MR. LILIENSTERN: He either knows or doesn't know.

8 THE WITNESS: At the time it was supplied to us, we were
9 told there was a time limit on this because this wasn't their --
10 it was not the result of their investigation and they did not
11 have it for an unspecified length of time. They were concerned
12 because they knew by now this thing had dragged out several
13 months while they were scurrying around attempting to assemble
14 more exemplars. They were concerned perhaps we might keep
15 this one longer than we had a right.

16 Q BY MR. LILIENSTERN: Is it your understanding the
17 reason this was given to Mr. Shaneyfelt rather than returned
18 directly to the Attorney General's office, he was to serve as
19 a courier, if you will, to take it to whomever it belonged?

20 A That's correct; we were told he was going that way
21 anyway. Rather than send it by registered mail or someone else
22 ^{had to} had to make a special trip, he would carry it out.

23 Q At the time you returned this K9, this questionnaire,
24 to Mr. Shaneyfelt --

25 MR. MENCHETTI: He did not personally return it.

26 THE WITNESS: Right; Mr. Gillham did.

27 Q BY MR. LILIENSTERN: I beg your pardon; I beg your
28 pardon. At the time it was returned, had either Mr. Gillham,

1 yourself, or the laboratory used it and completed your use of
2 it?

3 A No. As I recall, photographs had been made of it
4 with the thought in mind we might have to return it on very
5 short notice even though we had not at that time assembled all
6 of the exemplars to our satisfaction so photographs were
7 obtained or taken, but the examinations themselves were not
8 completed yet, no.

9 Q Incidentally, were you generally satisfied with
10 the quality of the exemplars which you had to work with?

11 A Well, this is one of the very sensitive points of
12 most handwriting examiners most criticized by laymen because
13 the standard criticism is that our first answer is always,
14 "Get more exemplars." This is one of the rare instances where
15 I did feel I did have sufficient, that is, from a period of
16 time significantly before the date of the document until the
17 period of time significantly after the date of the document
18 and including documents dated at almost precisely the same
19 time.

20 Q Were you satisfied with both the quantity and the
21 quality of those exemplars?

22 A Quality is a vague term. I'm not sure I know how
23 to define it when talking about writings.

24 The writings themselves, that is, the exemplar
25 writings did vary a little with the progression of time.

26 Q Excuse me, I didn't mean the quality of the
27 writing, but the exemplars; that is, you had originals
28 instead of photographs?

1 A Yes, I had original documents. I had no complaint
2 about the reproduction.

3 Q And with respect to any conversation you may have
4 had with Mr. Shaneyfelt, did that in any manner influence the
5 opinion and conclusion which you have expressed in your report
6 and you have expressed on the record for us today?

7 A Absolutely not.

8 Q Did you form your conclusion independent of the
9 judgment of others, including Mr. Shaneyfelt?

10 A Yes, I did.

11 Q Mr. Blumenfeld touched on your background just a
12 bit. I'd like to ask you a few more questions, Mr. Lile.

13 What is the nature of your formal educational
14 attainment?

15 A I have a Bachelor of Arts degree from the University
16 of Northern Colorado and a Master of Science in forensic
17 science from George Washington University, Washington, D.C.
18 I have attended classes at the Institute of Paper Chemistry in
19 Appleton, Wisconsin, which is the largest specialized paper
20 production and examination facility in the world. I have
21 attended classes, lectures at various other institutions and
22 at various meetings of professionals around the country.

23 Q All right, sir, and what field did you receive
24 your undergraduate work in?

25 A I had my major in history and minor in English.

26 Q And the degree which you described for us, that is,
27 the Master of Science, forensic science, how long a period of
28 study is that, if one pursues it on a full-time basis?

1 A On full-time basis, I believe it's a two-year
2 program. I attended on a part-time basis, and it required
3 three years.

4 Q Mr. Lile, are you a member of any professional
5 societies in the field of questioned documents examination?

6 A Yes, I am.

7 Q Will you tell us what societies in which you hold
8 membership are?

9 A Member of the American Academy of Forensics ^{Sciences} and the
10 Questioned Documents Section, ^{Sciences}

11 Q You mentioned earlier what I would characterize as
12 regional or local group of document examiners, I believe?

13 A Yes, these are loose-knit organizations to which
14 there is no actual membership involved. They are almost social,
15 fraternal-type groups, where periodically the document
16 examiners in particular geographical areas will assemble for
17 luncheon and have speakers and shop talk a little bit. I've
18 attended numerous of those.

19 Q With respect to your experience in the FBI
20 laboratory, could you give us -- and I'm sure this is going to
21 be a very broad range of examples of types of documents you
22 have been called upon to examine in your work.

23 A It's a very wide range. It ranges from things as
24 mundane as bad checks to documents in major type cases, such
25 as kidnap, ransom notes. In between you would have all types
26 of frauds and forgeries, embezzlements of various types, not
27 only involving handwriting, but typewriting, paper, photocopy-
28 ing; worked extensively in cases involving counterfeiting of

1 securities, stocks and bonds. I've worked ~~almost exclusively~~
2 ^{most extensively}
3 of any ^{if}
4 in the laboratory in matters of photocopying machines and
5 photocopiers. I would say about as wide a range as the entire
6 range of questioned documents is and at some time examiners
7 will receive documents on it.

8 Q Did you tell us earlier that you began working
9 again as a special agent, that is, you returned to the
10 laboratory, in the capacity of a special agent in 1969?

11 A In 1969, in February of 1969, yes.

12 Q Since that time to the present date, Mr. Lile,
13 what percentage of your working time have you devoted to the
14 examination of questioned documents?

15 A It's a full-time job.

16 Q With respect to your conversation with Mr. Blumen-
17 feld, did that concern the merits or anything concerning your
18 conclusion and opinion or was that solely devoted to the
19 mechanics of your coming out for the deposition?

20 A As I recall, it was limited to the mechanics of
21 him arranging for my transportation and him arranging for the
22 official permission for me to travel here. He did mention he
23 was particularly interested in the opening and the resealing
24 of the so-called inner envelope rather than the remainder of
25 the examinations; and, to the best of my recollection, that was
26 pretty much the complete conversations.^{if}

27 Q All right, sir, I believe you mentioned earlier --
28 he inquired whether it would be possible for you to review
29 additional exemplars to be provided to you?

30 A Yes, I guess that was a subsequent telephone call.

1 second telephone call I received. He advised me, I believe,
2 Mr. Rhoden would be in Washington on business and that while
3 he was there, he would like to meet with me if possible and
4 show me, I believe he described them as, additional exemplars.

5 Q Did he otherwise identify these additional
6 exemplars?

7 A No, not to my recollection.

8 Q Have you ever heard of what we have come to call
9 the Eckersley memo? I believe that's an eight-page document
10 marked as 10, Exhibit 10?

11 A No, I don't ever recall either seeing or hearing
12 of it.

13 Q Mr. Lile, I may have a few more questions as I look
14 through these materials. I'll let Mr. Freese proceed. If I
15 do have any, I'll proceed when he's finished.

16
17 EXAMINATION

18 BY MR. FREESE:

19 Q I think I'm going to be relatively brief. What I
20 want to do is a few housekeeping chores.

21 The copy of the exhibits doesn't come out too well,
22 so if you could get your original notes before you and let me
23 ask you some questions about things that are somewhat illegible
24 on my copy; that is Exhibit 9a, b, and so forth. Could you
25 look at d; that would be the fourth page, and I don't know
26 exactly what that is -- looks like illustrated.

27 A Says "Hoax Illustrations. See K9, undated." *17*

28 Q All right, just one moment, here.

1 MR. BLUMENFELD: Off the record.

2 (Discussion off the record.)

3 MR. FREESE: On the record.

4 Q BY MR. FREESE: Hoax -- h-o-a-x pattern?

5 A "Illustrations."

6 Q Illustrations, plural?

7 A True.

8 Q And then what does it say?

9 A "See K9." ^{JK}

10 Q See -- s-e-e -- K9, and that is undated? Are
11 these specimens from the book, Hoax Illustrations?

12 A These are my simulations of the Hughes signatures.
13 I believe you refer to it as a questionnaire form.

14 Q When you say simulations --

15 A When I copied the writings myself to see what the
16 general formations were in the signatures.

17 Q In other words, as part of your --

18 A Part of the examination.

19 Q You actually do a simulation yourself?

20 A As part of the examination, the writings are
21 simulated for the purpose of reconstructing the formations of
22 the letters to see which letters go in which direction, where
23 the initial strokes and the ending strokes are, and that sort
24 of thing.

25 Q I see. Did you do that with respect to anything
26 other than the signature?

27 A There are pages and pages here that are mine.

28 Most of these notes consist of my simulations of portions of

1 the questioned documents and exemplars. With the exception
2 of page 9b, the Howard R. Hughes, the five signatures in the
3 central portion of the page are copies of Xerox portions cut
4 from copies I made of the original documents for purposes of
5 measuring the length of the signature. Other than that, all
6 those writings are my simulations of questioned writings.

7 Q You're talking about the signatures -- right? --
8 or --

9 A Yes, on 9b.

10 Q All right, there's three?

11 A There are five signatures. Those are all Xerox
12 copies of original documents Q8 through 11.

13 Q Pasted?

14 A Taped on.

15 Q Of signatures? Do you remember where you got them?

16 A Q8 through Q11 respectively.

17 Q But let me start over to see if there is any other
18 simulation by yourself of any handwriting.

19 Page 9a, is there anything on that page, a
20 simulation by yourself?

21 A Yes, there are two broad bold lines drawn as you
22 work down from the top of the page. The writings in between
23 those two bold lines are my simulations.

24 Q Read them.

25 A Begins "blue ball point", Q1 says "President Spencer".
26 All those writings down to the next bold line.

27 Q In other words, you wrote all of President Spencer?

28 A Yes, I wrote that.

1 Q Okay. You used a blue ball point?

2 A No, I did not; I used a pencil.

3 Q Oh, I see. Simulation by Mr. Lile. That's you, sir.

4 A Then the writings at the bottom of the same page
5 underneath the last bold line are my simulation.

6 Q "Death?" }
7 A "N" to that "death"; yes, all that.

8 Then on 9b, everything except my obvious hand-
9 written notes, and those previously described Xerox signatures
10 are my simulations.

11 Q In other words, just to be sure: I and disposing?

12 A "I" and "disposing," } and going right down through to
13 the bottom.

14 Q All right, now, we're at 9c.

15 A Page 9c, its entirety, with the exception of the
16 small handwritten and hand printed notes at the upper portion
17 of the page.

18 Q Could you read those notes, because they are
19 illegible?

20 A Begins "no letters." } .

21 Q Underneath that?

22 A Underneath that it says: "writes into margin on left." }
23 Q Writes into margin?

24 A "Margin on left;" } and then over underneath the hand
25 printing says: "No numerals." }
26 Then underneath that, says: "straight left margin." }
27 Q What are you talking about there?

28 A I'm talking about the habitual placement of

1 writings on a sheet of paper that the writer of the document did
2 which was reproduced in Life Magazine.

3 Q What does that say?

4 A Says "1/22/1971." *ff*

5 Q It does?

6 A Pages 26 and 27.

7 Q Pages, all right; dated 1/22?

8 A See K11, "undated 12/70 question mark." *ff*

9 Q What's undated?

10 A The document that is reproduced in that photograph.

11 Q You've got 12/70 and a question mark?

12 A "12/70" *ff* and a question mark.

13 Then all of the writings on down, down there, are
14 my simulations.

15 Q Your simulations, taking as a model the picture in
16 Life Magazine?

17 A That's correct, or the original document, which I
18 had. The "Chester and Bill" letter which was reproduced in
19 Life Magazine.

20 Q You had both the photographic copy and the "Chester
21 and Bill" letter in original form?

22 A That's correct.

23 Q Do you still keep for your file a copy of that
24 Life Magazine?

25 A I have photographs of it, yes.

26 Q Could I just see one, please?

27 A (Handing.)

28 Q Thank you, sir. (Returning document.)

Then continuing with the identification of your handwriting under a simulation of the "Chester and Bill exemplar," everything in 9c, except for those notes that we identified are simulations? Is that what you said?

A Yes, with the exception of the small notation one-third down the page on the right-hand side margin.

Q Where it says four and a half?

A "Four times all connected," it says.

Q What does that mean?

A Means that the double letter e appears four times in the text of that photograph in Life Magazine, and each time the two letters are connected.

Q Was that a detail that was of significance, as far as your opinion goes?

A It was of minor significance. The writings in the will had connected e's, double e's were connected and many of the pre-1970 writings in the exemplars had disconnected double e's.

Q It's your recollection that comparing this by reference to the vintage of his handwriting --

A That's correct.

Q -- in the earlier years, he did not connect the e's?

A If I recall correctly, yes. I've noted it was almost habitual. He did not connect double e's. They were broken in the middle, whereas later writings, they were connected.

Q Because I don't want to be repetitious, I'll ask

1 you: Did you tell Mr. Blumenfeld about the details : : you
2 noted with regard to age in his handwriting, trying : identify
3 changes after '70 as compared to '68?

4 A Attempt to date the model writings by matching his
5 age, or --

6 I don't know if I'm phrasing it right. Anyway,
7 I attempted to do that with no firm success; that is. I am not
8 totally convinced I can positively state these writings are
9 copied from writings of such and such a date rather than before
10 not with any degree of certainty.

11 Q Did you note certain things, such as the double
12 e connection?

13 A Double e connection; the p not connected to the
14 following letter; several things along those lines, yes.

15 Q I think we covered page 9d.

16 On 9e there is a copy of the inner envelope?

17 A 9e, Xeroxed copy of the inner envelope with the
18 exception of arrows I've drawn.

19 Q Arrows?

20 A Or characteristics, markings.

21 Q Meaning?

22 A These are letters that differ from the exemplars
23 in formation.

24 Q Thank you. Then, as we get down to -- I've got
25 some real problems. After page 3 of the purported will, that
26 is, of the photocopy in your notes, I have most of a page which
27 is illegible, starts at Q8, white envelope. Can't read --

28 A I may not be able to help you. These are the

1 physical dimensions I was mentioning before Mr. Gillham or
2 his technician had taken of the documents' measurements. "Q8:
3 white envelope 9.42 inches by 4.12 inches by .0032 --
4 and then ".0036." JJ

5 Q Okay?

6 A And "no water marks or indented writings of
7 significance." JJ

8 Q No water marks or indented -- was it writing?

9 A "Writing, of significance." JJ

10 Q I can't read the next line, Q9.

11 A "Q9: sheet of yellow legal paper." JJ

12 Q Yes?

13 A "Torn at --" JJ

14 Q "Top?" JJ

15 A "Top." JJ

16 Q Okay.

17 A Next line says: "stains", in parentheses, "ran ink,
18 right side." JJ Then says --

19 Q Just one moment. I want to -- bear with me. Q9,
20 again, is the --

21 A It's page one..

22 Q Page one of the purported will, so you're describ-
23 ing the stains on the first page?

24 A That's right.

25 Q Will you continue?

26 A Yes, that line ends with the word "staining." JJ

27 Q Staining. All right.

28 A Next line reads: "agent ran from right side to left." JJ

1 Q Yes?

2 A "Staining occurred." *JK*

3 Q While --

4 A "While page folded to envelope size." *JK*

5 Q Just dwell on that a moment -- but this is your
6 finding, or someone else's?

7 A Either Mr. Gillham's notations or the notations of
8 his technicians; I suspect Mr. Gillham's notation.

9 Q Do you have any idea of his scientific finding of
10 that?

11 A I would suspect merely preliminary-type observation,
12 because he was making the measurements -- primary function of
13 this was the measurement.

14 MR. BLUMENFELD: I move to strike that answer as being
15 speculative, no basis in fact.

16 Q BY MR. FREESE: Well, anyway, as far as you were
17 concerned, were you given any instructions to make a scientific
18 determination as to how the stains got on the document?

19 A All of the instructions and questions I received
20 from Mr. Greenhalgh led us to believe they wanted absolutely
21 everything we wanted. *JK* ^{we} ^{wanted} They could tell them about anything in
22 those documents, including the stains, folds, creases, anything
23 that we had; so, yes, we were particularly interested in the
24 stains and streaking.

25 Q Well, as to the detail of whether the envelope was
26 folded or not, what method went into that determination, if
27 you know, sir?

28 A I know, when I reexamined for the same purpose and

1 noted the streaks and the creases, it would indicate one of
2 two things. Either it was already folded ^{then} and it was in the
3 wetting agent, was applied at one end, or it was wet and then
4 folded almost immediately while still wet. In each instance
5 I think the same results would occur.

6 Q Whether it was within or without the envelope is
7 something I wanted to get an impression of, at least, some sort
8 of an understanding of your possible opinion.

9 Could the three pages have been folded together
10 and then someone pour some liquid on the right side and would
11 drip down the creases?

12 A I think it would be possible, yes.

13 Q That could be done before it was put in the
14 envelope?

15 A Either before or after.

16 Q So, it could have been before or after?

17 A Yes.

18 Q With respect to the question of steaming, for
19 instance, you indicated steaming is consistent with the
20 appearance of the staining as drifted from right to left?

21 A It could be explained by steaming, yes.

22 Q It could be explained by other means?

23 A It could be explained by other means, yes.

24 Q Let's continue. I want to come back to that. I
25 want to get this detail down.

26 It says next: No water --

27 A "Watermarks or indented" ⁴

28 MR. LILIENSTERN: Writing of significance?

1 Q BY MR. FREESE: What kind of watermarks?

2 A Manufacturers; the kind you see when you put it up
3 on a light and --

4 Q What kind of watermarks?

5 A "Indented writing of significance." } }

6 MR. MENCHETTI: Counsel, I'd like to point out that's his
7 interpretation how he would use watermarks; that's not as to
8 the writing; couldn't possibly testify as to what the writer
9 was meaning.

10 MR. BLUMENFELD: I think you're reading better. What is
11 that?

12 MR. LILIENSTERN: I am reading a better photocopy.

13 Q BY MR. FREESE: Q10?

14 A "Q10: sheet of legal yellow size paper torn at top." }
15 Then I can't read --

16 MR. LILIENSTERN: Stain?

17 Q BY MR. FREESE: Stained?

18 A "Stained from right side." } }

19 Next line: "Does not necessarily appear to have been
20 stained while folded." } }

21 Q Does not necessarily appear to have been stained
22 while folded.

23 Let me see if I understand. Ten is what -- the
24 third? Eight, nine, and --

25 A Ten is the second page.

26 Q I see. Do you know what characteristics of the
27 document suggests this observation, by any chance?

28 MR. BLUMENFELD: Object to that question. I don't think

1 there's any evidence that would indicate Mr. Lile is aware
2 of that.

3 MR. FREESE: Your objection is preserved for ~~argument~~ ~~argument~~

4 MR. BLUMENFELD: I want to make my objection at ~~way~~.
5 I don't think there is testimony Mr. Lile is doing anything but
6 reading what is written here. There is no independent
7 knowledge of it.

8 MR. FREESE: Okay, let me not argue with you. Have you
9 finished your objection?

10 MR. BLUMENFELD: Yes.

11 Q BY MR. FREESE: Do you understand the question?

12 A Yes, I do.

13 Q Could I have your answer, sir?

14 A Based upon my examination and the notation on this
15 sheet of paper, the characteristics of streaking and staining
16 of the inks could have been achieved both by folding the page
17 after it was wet or by wetting the page after it was already
18 folded.

19 Q So, you're leaving open at least two alternatives?

20 A That's right.

21 Q What's the last statement on the page?

22 A "No watermarks or indented writings of significance
23 -- over."

24 Q Again, for the record, you mentioned indented
25 writing. What is the significance of that, or would you explain
26 that?

27 A I mentioned before, the analogy, the example I gave:
28 if you're writing with a ball point pen or heavy, heavy

1 instrument where pressure is being applied, the pressure in
2 putting the writings on the page would be transmitted into the
3 second sheet, a backing sheet behind it, so those writings, if
4 deep enough, can be deciphered and read through special
5 processes. In particular, you expect to find them on tablet
6 paper, the legal size pad.

7 The tops were torn off of these sheets. The top
8 edges of legal pads, usually, the sheets will contain either
9 perforations or traces of adhesive, depending on how things are
10 attached together. This would be positive proof they did come
11 from a pad. However, in this instance, the tops were ^{turned} ~~torn~~ off.
12 Had they come from a pad, it was believed, very logically, ~~there~~ ^{they} might be the writings from page 1 onto page 2 and indentations
13 from the writings from page 2 to 3. We found none.

14 Q That would suggest, would it not, that the writer,
15 in your opinion, had removed a page and put the writing on that
16 page after having detached it from a pad?

17 A There's several ways it could have been done. That
18 would be one logical way, yes.

19 Q In your opinion, it's inconsistent with writing one
20 page after another on the same pad -- .

21 A Yes, it is, with a ball point pen.

22 Q -- before detachment?

23 A That's correct.

24 MR. LILIENSTERN: Would you get these little measurements?

25 MR. FREESE: No. We might ask if you would please give,
26 at the end of Q9, the comment there? There's apparently a
27 little diagram.

1 A Yes, the little diagram of the Q9, showin the
2 torn edge at the top; and then there is a key, if yo II, to
3 the left of the dotted line, which says "fold marks".

4 Q Fold marks?

5 A Right, showing the creases on the page.

6 Q I see. Then there's some numbers under that.

7 A Numbers are the numbers "0026" -- I think -- dash --

8 Q 0032?

9 A That's correct.

10 Q Then, to the right of the little diagram, there's
11 something I can't read.

12 A It's not completely legible on mine -- appears to
13 be "10 point", then two digits I can't read, possibly "93".

14 Q Okay, down at the bottom, 846 --

15 A "846".

16 Q 8 point inches?

17 A "Inches".

18 Q Let's dwell on that a minute. Taking the three
19 pages of the purported document, did you find, from your
20 photographic or other analyses, that the pages were only folded,
21 say, top to bottom; that is, how should I say -- would you
22 describe the folds you found?

23 A I don't specifically recall. I do recall checking
24 the transferred writing -- that is, the ^{wet} ~~wed~~ ink transferred onto
25 the other, to be sure they did coincide in each instance,
26 showing page 2 logically was folded over one, three over two,
27 et cetera. Other than that, I don't recall examining those,
28 having any significance.

1 Q In trying to understand that, rather than rec
2 testimony on the width of the purported will as such, it could
3 fit into the inner envelope without being folded, say, from
4 right to left, but from top to bottom it would fit?

5 A Yes, as I recall.

6 Q Okay. Now, continuing with the tail end of the
7 copies, at the bottom is another sketch under Q10. What are
8 those numbers?

9 A The ones on the left appear to be point 0028 dash
10 (deemed) 51 " ^{"(deemed)"}
point 0031" .

11 Q All right. Then, over to the right --

12 A Over to the right, looks like it says "approx" -- ^{"(deemed)"}
a-p-r-x.

13 Q 10 point 9, and I can't read the final digit?

14 A That refers -- length of the page, top to bottom.

15 Q Okay. There is something eight by ten.

16 A "8 point 5" ^{(deemed)"} at the bottom.

17 Q Next is really bad; no, I guess I can read it.

Q11: sheet of yellow legal paper -- stained?

A "Stained" ^{"(deemed)"}; that's correct.

Q From --

A "Right side." ^{"(deemed)"}

Q Right; what is the next word?

A "Not necessarily." ^{"(deemed)"}

Q Yeah, is it from right --

A "From right side." ^{"(deemed)"}

Q Right side; okay. Not necessarily --

A "When folded." ^{"(deemed)"}

1 Q All right, if you'd give me the sketch dimensions.

2 A Left side, ".0031." *g*

3 Q 0033 -- and on the right side?

4 A Looks "approximately 10.41." *g*

5 Q And the bottom?

6 A ".8.46 inches." *g*

7 Q Okay. Now, does that say, or what do you learn
8 from the figures 0031-0033?

9 A That's the thickness of the paper.

10 MR. MENCHETTI: Again, I'm going to move to strike that
11 as his speculation, what that stands for. He didn't write
12 that.

13 MR. FREESE: It's an interpretation. I'm trying to get
14 an understanding of what we have got here.

15 Q BY MR. FREESE: Thickness of the sheet is your
16 understanding? You didn't measure it?

17 A No, I recognize those figures as being the types
18 of figures you usually arrive at when you measure the thicknesses
19 of paper. .0030 to .0035 is usually in the range of --

20 Q These tests of dimensional figures would have been
21 developed by the Alcohol, Tax, and Firearms Bureau or some
22 other person, some other agency?

23 A These figures I'm reading now?

24 Q Yes.

25 A No, by Mr. Gillham or our technician in our office
26 space, in our laboratory.

27 Q Now, it says: bleeding of ink, does it?

28 A Yes.

1 Q When --

2 A "When" and then there's a mark over "wet." 17

3 Q Then what does it say?

4 A "Stain ^{backs} leaks." 18

5 MR. LILIENSTERN: Stained backs?

6 THE WITNESS: Yes, stained backs.

7 You should read it -- stained backs of the three
8 sheets.

9 Q BY MR. FREESE: Three sheets. These?

10 A These three pages were folded together when
11 stained.

12 Q Bleeding of ink when wet stained backs of the
13 three sheets. These three pages were folded together when
14 stained.

15 Is that inconsistent with anything on the earlier
16 page?

17 A No, it isn't. It's continuing the prior comments
18 that they came in contact with each other while they were wet.

19 MR. BLUMENFELD: Object and move to strike that answer.
20 As I understand, you merely read what was on the sheets of
21 paper. I'm going to object as an attempt to characterize what
22 the person meant who wrote it.

23 Q BY MR. FREESE: Have you finished your explanation,
24 as you understand it?

25 A This is similar to what I have already testified
26 to previously as a result of my independent knowledge the
27 pages were wet at the time they came in contact.

28 Q That's your independent opinion?

1 A Yes, it is.

2 Q And the last sentence, whatever it is, the comments?

3 A "Some general bleeding of ink."^{fj}

4 MR. MENCHETTI: Some or same?

5 THE WITNESS: I think it's "some -- same."^{fj} I believe
6 you're right.

7 Q BY MR. FREESE: Same?

8 A "Same general bleeding of ink on Q8."^{fj}

9 Q Wet --

10 A "But no heavy stains like Q9-11."^{fj}

11 Q Sir, do you agree with that observation, based on
12 your examination of the documents?

13 A Yes, I do. The inks on the envelope were generally
14 diffused rather than smeared and streaked, whereas on the
15 letter, they did streak and actually run down the creases in
16 the paper.

17 Q Does that indicate anything, in your opinion, as
18 to whether the staining of the three pages of the purported
19 will was before or after it was in the envelope?

20 A No, in my opinion, no real determination can still
21 be made as to whether it was wet while inside or wet, folded,
22 and then placed inside. The general diffusion of the inks on
23 the envelope are consistent with ^{steaming} staining.^{fj}

24 Q Why?

25 A The staining on the pages on the inside of the
26 envelope could have occurred as the result of steaming. I
27 can't state with any certainty it did, that it could have
28 occurred that way.

1 Q If you will take a minute, I'll see if I can read
2 this and save some time.

3 I guess not. I need some handwriting expertise
4 and interpretation.

5 Does it say I?

6 A Says "Q." } }

7 Q Oh, Q -- numerous breaks --

8 A "In words." } }

9 Q Chester and Bill --

10 A "Chester and Bill." } }

11 Q Then what -- okay -- numerous breaks 1968?

12 A Then it says "Chester and Bill - numerous breaks
13 1968." } }

14 Q What is the next thing?

15 A "Kn" -- capital K, small n is commonly used for
16 known, meaning exemplar.

17 Q Does that say many severe breaks?

18 A Looks like "many severe breaks." } I really can't
19 read it myself. It's not the photocopy's fault; it's illegible

20 Q Can you read the next thing, according to your
21 interpretation?

22 A Says "P always sep -- s-e-p from preceeding and
23 following." } }

24 Q And the question?

25 A "In Q." } } abbreviation for question and two stroke.

26 Q Do you believe this is Mr. Gillham's handwriting?
27 Would you try to explain that realizing it is his? I really
28 don't understand it.

1 A First of all, there's an asterisk to the left --
2 to the left of the Q on the first line and an asterisk to the
3 left of the T on the fourth line, indicating that he . . .
4 referring to the Q up at the top when he puts the asterisk.
5 He's discussing what I previously noted myself, that in the
6 questioned document the small letter p is always separated
7 from the preceding letter and from the following letter and
8 is always a two-stroke; that is, a vertical stroke and then a
9 rounded stroke, a two-stroke p.

10 Q That, of course, was your specific observation
11 also?

12 A Yes, I observed the same thing.

13 Q Then, underneath that comment that you just
14 explained, is that a ditto mark?

15 A Ditto mark under the P; and then he's abbreviating
16 sep.

17 Q For separate or what?

18 A Separated, I would say separated majority time in
19 -- "s-e-p" and then "m-a-j".

20 MR. LILIENSTERN: I was going to say, up above where you
21 couldn't identify it, isn't that majority fewer breaks?

22 A That's a good interpretation.

23 MR. FREESE: Looks like severe.

24 Q BY MR. FREESE: All right, am I right in my reading
25 at least as you follow, it next says always?

26 A Right.

27 Q 2 stroke but sometimes connected to following
28 letter?

1 A That's correct.

2 Q You'd better take over.

3 A Then there's a small letter p again.

4 Q That line under it, is it to indicate small? Is
5 there anything to indicate it's a small p?

6 A I really don't know. I don't know what was
7 intended by that.

8 Q K5 would be known item 5?

9 A Right, exemplar 5.

10 Q "1968 --" }
11 A Oh, was c-o-n-t.

12 Q Was?

13 A And then "c-o-n-t." period with date of the will.
14 C-o-n-t, I would interpret as being abbreviation of
15 contemporaneous. 1968 was contemporaneous with the date of
16 the will.

17 Q P is one stroke and connected to preceding and
18 following letter?

19 A That is correct.

20 Q Can you tell me what the next line says to kid --
21 no, K10?

22 A "K10."

23 MR. BLUMENFELD: Paul, can I ask you what the purpose
24 of this is? This is someone else's writing.

25 MR. FREESE: I can't read the notes.

26 MR. BLUMENFELD: You're asking him the interpretation.

27 MR. FREESE: I'm asking him to read it. It's got a lot
28 of code interpretations. I don't understand it. It's

1 illegible.

2 MR. BLUMENFELD: Apparently Mr. Lile is having difficulty.

3 MR. LILIENSTERN: All he has to do is say he has trouble.
4 He's helped us a lot.

5 Q BY MR. FREESE: Go ahead, please, K10?

6 A Then it says "to" ^{is} t-o -- and then parentheses
7 written in between the two lines "K10 7/25/" and then "6" and then
8 dropped digit there, I suppose -- when first 2 stroke p appears ^{is}

9 Q What is that saying?

10 A I'm trying to figure it.

11 MR. FREESE: Subject to any objection Mr. Blumenfeld
12 wants to make, what is the writer trying to say?

13 A There's a small notation, appears to be "but still
14 connected." ^{is} Again, it's a matter of the contemporaneous
15 formations; that is, the formation and the connections of the
16 letters p in the will are most closely similar to the later
17 dated exemplar documents than to the 1968 dated exemplar
18 document.

19 Q Now, does it say however?

20 A However.

21 Q Majority?

22 A "Majority still one stroke." ^{is}

23 Q Still one stroke and connected?

24 A "And connected." ^{is}

25 Q After 5/25/70, what does it say?

26 A "Most p's" ^{is} I think that's a scratch-over that's
27 in between.

28 Q Most p's?

1 A "Now 2 stroke." }
2

2 Q Still connected to following letters?

3 A That's correct.

4 Q All right, says: then something?

5 A Then "progresses" or "progression to 1972 Chester and
6 Bill letter." }
7

7 Q Yes?

8 A "Where p's are two stroke. Most disconnected to
9 preceeding and following letters." }
10

11 Q Okay, I can read that. However, few --

12 A "However, few while two stroke are still connected
13 to following letter." }
14

15 Q Please try to give me your explanation of the last
16 page, which is 9M, I believe?

17 A 9M begins with an asterisk, says: " " }
18 space, "simulated writings, the ing combination, showing the
19 break between a and i and a break between the n and the g.
20

21 Q Says always broken this way?

22 A That's correct.

23 Q Then, underneath that, Chester and Bill --

24 A "Sometimes." }
25 and then he's simulating again: a, then
26 the break in, and then the break and the g; and then those are
27 arrows up there.
28

29 Q But also sometimes joined?

30 A T-i-n-g, and he's showing again a simulation to
31 show how it is.

32 Q Next line: 1968?

33 A "1968" }
34 can't tell if that says court -- "court

1 notes -- 1968 court notes." } }

2 Q I just wonder if there's an error or if there are
3 two K5's?

4 A He may have made -- ...

5 Q The report of March 11, which is Exhibit 4, page
6 4c, K5 is identified as nine sheets of ruled legal paper.

7 A Let me back up there.

8 MR. MENCHETTI: I think any questioning along the lines
9 as to what the man who wrote this was referring to when he
10 wrote it is totally without relevance.

11 MR. FREESE: I just want to understand.

12 MR. MENCHETTI: I think if you would read some of those,
13 his court notes.

14 MR. FREESE: Are you sure of that?

15 MR. MENCHETTI: No, I'm not; but I don't think this is
16 the man that knows about it. I don't want him to testify to
17 anything he doesn't know anything about.

18 MR. FREESE: He's trying to help and give intelligence
19 to some of these comments.

20 MR. BLUMENFELD: Mr. Freese, do I understand that
21 your questioning with respect to Mr. Lile is just for the
22 purpose of him reading what is in these?

23 MR. FREESE: To the extent indicated whenever I've asked
24 him whether he independently did something. I think it's
25 clear. As you have been doing with your notes, I have been
26 trying to get my copy legible in those particulars where it's
27 faded and also, from time to time, I've asked him substantively
28 whether he concurred with whatever was made intelligible by

1 his discussion. I think the record is clear when I was doing
2 one and when I was doing the other.

3 All right, in any event, next, I think that's
4 legible, if you go '68-'70; right? Would you agree?

5 A Right, I would.

6 Q Then I can't read -- it says K10, but then --

7 A Well, he has an abbreviation m-i-n-g s-i-n-g,
8 showing a break between the n and the g.

9 Q And still connected?

10 A "Much of the time" -- appears to be a date "8/2/69,"
11 and has i-n-g, with a break between the n and the g. "Mixed
12 thereafter." } }

13 Q Mixed; right?

14 A Right.

15 Q But a lot still are connected?

16 A "Still all connected -- are connected." } }

17 MR. FREESE: Thank you very much. That concludes going
18 through that exhibit.

19 MR. BLUMENFELD: At this time I'm going to object and
20 move to strike Mr. Lile's entire testimony with respect to his
21 reading and deciphering someone else's notes. The record
22 clearly reflects some of these writings were illegible and
23 appeared to be something other than what Mr. Lile indicated;
24 and the best evidence, of course, is the writer of these notes.

25 MR. FREESE: Okay.

26 MR. LILIENSTERN: Just so I understand, are you
27 suggesting he, in his helping us to interpret from his better
28 copy, that he inaccurately explained some of what was illegible

1 on some of our copies?

2 MR. BLUMENFELD: No.

3 MR. LILIENSTERN: He didn't write the portion he helped
4 us with. I understand that.

5 MR. BLUMENFELD: Any interpretation and any writing we
6 have indicated on our copies, based on Mr. Lile's statements,
7 may or may not be correct; but I'm objecting on the grounds
8 this is what is reflected in these notes because there were
9 some words he was not able to read and read incorrectly or
10 different the first time than the second time.

11 MR. FREESE: We have got a substantive objection on best
12 evidence, I suppose. I would hope that your file would be
13 there so if someone really wanted to compare for inaccuracy
14 purposes at the time of any hearing. I think the only area I
15 wanted to get as clear as I could at this time is the physical
16 tests that concerned whether or not there was perhaps a
17 resealing of the inner envelope. So, if you could look at
18 those pictures of the inner envelope and also pictures of the
19 three pages of the purported will, showing the staining -- do
20 you have those --

21 A Yes, I do.

22 Q -- before you, sir?

23 You made some observation about the writing also
24 in the inner envelope that would be consistent with steaming of
25 the inner envelope; is that true, sir?

26 A Yes, that's correct.

27 Q Were you able, in any way, to determine whether the
28 writings in the inner envelope corresponded with any writings

1 that might have appeared in the three inner sheets?

2 A No, I made no connection between them.

3 Q Is that something you couldn't do or just didn't
4 do?

5 A Something I didn't observe and I did examine it,
6 looking for any type of indentation, and I think a crease would
7 have caught my attention as an indentation, but didn't find
8 anything other than the horizontal folds.

9 Q With respect to the inner envelope, was an
10 examination made of the inside of the inner envelope?

11 A Yes, I looked at it at the time the latent
12 fingerprint examination was done. Prior to that, I had
13 examined it by merely looking inside without physically cutting
14 it apart.

15 Q Do you have any picture of the interior of the
16 inner envelope?

17 A No.

18 Q Do you recall if there was any sign of ink
19 transfer from the yellow inner pages to the inside of the
20 inner envelope?

21 A I don't really recall. I think that it would have
22 been logical for me to look in there, expecting to find some,
23 and not finding any, I would have made a note. However, I have
24 no note. I would take it from that, there was nothing that
25 struck me there of being significant at the time.

26 Q It's really a problem of recall at this time?

27 A Mainly recall. I do know, as a matter of standard
28 practice in examining documents wherein some are envelopes, I

1 do look inside the envelope for any type of foreign matter,
2 transfer materials, inside the envelope. If I find something,
3 I will make a notation.

4 Q So, the absence of any notation at least aids your
5 recollection to the extent of giving us a belief that probably
6 there was not?

7 A As a standard practice; right. Had there been
8 something there, I would have made a note.

9 MR. BLUMENFELD: Object to the answer and question and
10 move to strike the answer on the grounds it's sheer speculation

11 Q BY MR. FREESE: With respect to the glue, there is
12 here an exhibit with some arrows on it; I forget the number.
13 Would you have the picture of the envelope with the arrows?

14 MR. MENCHETTI: 6.

15 MR. FREESE: Thank you. Refer, please, to Exhibit 6
16 and tell me exactly what those arrows denote?

17 THE WITNESS: The arrows denote the areas where there
18 were spots of adhesive other than regular water soluble
19 envelope adhesive. These spots remained glued together even
20 after a heavy application of ninhydrin acetone.

21 Q Do I understand, therefore, that whatever that
22 adhesive was, it's something different than the ordinary
23 adhesive used on envelopes?

24 A Yes, and different from the remainder of the
25 adhesive on this envelope.

26 Q I believe in the written report there is reference
27 to soluble something adhesive. Let me see if I can get it.
28 Is that Exhibit 4, Clay; do you remember?

1 MR. BLUMENFELD: 4 is the report.

2 MR. FREESE: That talked about the glue?

3 MR. LILIENSTERN: It's 5.

4 MR. MENCHETTI: The April 18th report.

5 MR. FREESE: I've got it. Yes, I'm referring to
6 Exhibit 5a, the statement: "It was observed that additional
7 adhesive, different from the original water-soluble adhesive
8 on the flap of the envelope, had been added to the flap prior
9 to sealing."

10 Water-soluble adhesive was the term used?

11 A Yes.

12 Q And is it your testimony, sir, from your under-
13 standing of what was done that the additional adhesive was not
14 water-soluble? Has that been made clear?

15 A No, I'm not stating that. I'm saying additional
16 adhesive was differentiated from the original water-soluble
17 adhesive at the time the acetone was placed on the envelope.
18 The acetone affected the original adhesive in one fashion and
19 added adhesive in another fashion.

20 Q To what extent, if at all, could you be scientifi-
21 cally certain that the additional adhesive was not taken from
22 the flap of stationery?

23 Do you understand the question?

24 A Yes, I think I do. Because stationery adhesive
25 is water-soluble. Most stationery adhesive is a dextrin
26 compound -- d-e-x-t-r-i-n -- compound, which is a refined
27 starch and certain substances are added to it as preservatives
28 and as taste factors and to kill odor, this sort of thing.

1 They are water-soluble. Not only are they water-soluble, but
2 after drying they can be rewet again and still retain their
3 adhesive properties. These adhesives readily release with the
4 application of the ninhydrin acetone treatment. In the same
5 fashion, postage stamps ^{have} of similar adhesive, they too quite
6 frequently, in the laboratory during our examination, will
7 float away, become detached from the envelope because these
8 water-soluble adhesives react in the same fashion to the
9 application of acetone, whereas this adhesive did not dissolve
10 at all in the acetone. It was only by the use of force that
11 the paper finally separated in those four areas on the envelope
12 the inner envelope.

13 Q Do you have any information there as to the
14 dimensions of the area where the additional adhesive was
15 placed?

16 A Not numerically, not measured, but in essence they
17 were rather small areas.

18 Q Can you describe them?

19 A Just a dab in each instance.

20 Q Globules?

21 A I would say a small dab, such as an amount one
22 would get ^{on} ⁱⁿ an end of a finger.

23 Q That's the best description we can get at this
24 point?

25 A I can't think of anything more accurate, no.

26 Q If the paper were folded and placed in an
27 envelope that had not been sealed and then the combination
28 were put over a frying pan, with water throwing up steam, and

1 later baked, would those circumstances, that particular
2 handling -- that is, the steaming and baking -- affect the
3 mucilage in that envelope, assuming it's always been open but
4 assuming it's never been sealed?

5 MR. BLUMENFELD: Object to that question. I don't even
6 know what the combination is you're referring to.

7 MR. FREESE: Let me repeat it.

8 Assume a forger wants to give an impression of age
9 and believes he can do so by steaming and baking. Assume he
10 takes three pages, folds them, puts them into an envelope, and
11 then, without sealing it but just for the purpose now of giving
12 aging characteristics, first of all, holds it over some steam
13 and gets it wet and then puts it in an oven and bakes it --
14 right?

15 A (Witness nods.)

16 Q -- would that affect the mucilage on the flap of
17 that envelope that had never been sealed?

18 A It's likely that some of the adhesive would be
19 lost during the steaming process. I stated before that the
20 envelope adhesive can be wet, allowed to dry, and revet again
21 and still retain its adhesive power; but, in each instance,
22 you'll lose a small amount of that adhesive so that, unless care
23 is taken, the steam could possibly wash off enough of the
24 adhesive that there would not be enough to stick the envelope
25 together upon completion.

26 Q So if the steaming were long enough, couldn't it
27 wash away the mucilage?

28 A It could wash away the majority of it.

1 Q So the seal would be very light or perhaps
2 inadequate?

3 A Very poor seal; correct.

4 Q So a forger could have added the extra adhesive
5 because steaming had sufficiently impaired the mucilage that,
6 to get an adequate seal, he would want additional adhesive?

7 A That would be possible, yes.

8 Q So there's really no way of knowing whether this
9 thing was opened and resealed or whether it was just sealed
10 in the first instance, using additional adhesive?

11 A That is correct.

12 Q And as to whether the three pages were in the
13 envelope at the time of the steaming, there is not real way to
14 tell that, is there?

15 A That's true also.

16 Q In other words, the envelope could have been held
17 over a frying pan with water that was throwing off steam --
18 right? -- and then put into a baking oven to give the envelope
19 appearance of aging; correct?

20 A That's correct.

21 Q And in that process the mucilage could have been
22 impaired to the point where additional adhesive could have been
23 considered desirable by the person eventually and result in the
24 characteristics on the document? The envelope did show certain
25 characteristics that are consistent with baking of the envelope?

26 A Applications of extreme heat, yes.

27 Q All right. Let's use those terms: characteristics
28 of the envelope are consistent with the application of extreme

1 heat?

2 A That's correct.

3 Q Can you tell whether it's in a dry or wet form of
4 heat?

5 A No.

6 Q No way to tell that? At least could be an oven?
7 You would not rule that out?

8 A No, I couldn't rule that out.

9 Q And can you say anything, sir, with respect to the
10 characteristics of the three pages with regard to whether there
11 are any signs of application of heat?

12 A There, on the back side of the third page, there
13 are a few transferred stains, not of the ink variety, but of
14 the yellowish variety also noticeable on the envelope. I can't
15 totally discount the possibility that those stains are the
16 result of heat.

17 Q You can't totally discount that possibility?

18 A No, not totally.

19 Q Can you, by any chance give us any opinion what
20 those words are?

21 A Yes, they are transferred -- see if I have got the
22 right order -- those words are transferred from the lower
23 portion of the front of page 1.

24 Q Can you itemize the words?

25 A Portions of them.

26 Q Those that you can?

27 A I thought I could.

28 MR. FREESE: You don't happen to have a mirror, do you?

1 MR. BLUMENFELD: No, I don't.

2 MR. FREESE: Would it be helpful?

3 MR. LILIENSTERN: I thought that was from the bottom of
4 page 1.

5 MR. MENCHETTI: Would that determination be part of your
6 normal examination, Mr. Lile?

7 THE WITNESS: At the early stages, at the time, I
8 managed to correspond them ^{with} ~~from~~ the existing writings -- I'm
9 trying to reassemble the photographs front and back.

10 MR. MENCHETTI: So long as you are not doing the work for
11 them.

12 THE WITNESS: Words say "and being" something, something,
13 "Nevada" -- here it is.

14 Q BY MR. FREESE: You're pointing to the first page,
15 the first paragraph?

16 A First paragraph of the first page.

17 Q Of the purported will?

18 A Of the purported will. .

19 MR. BLUMENFELD: And you're reading from this page?

20 Q BY MR. FREESE: And comparing the two and express-
21 ing the observation that some of the words --

22 MR. BLUMENFELD: Why don't you let him tell us what he's
23 doing?

24 MR. FREESE: Okay.

25 THE WITNESS: The stains on the reverse side of page 3
26 of the purported will are text transfers from the correspond-
27 ing wording on the first paragraph of page 1 of the purported

1 Q BY MR. FREESE: Just to be clear, now, the three
2 pages were folded together; can you tell from your pictures
3 how many folds there were?

4 A I believe there were three.

5 Q You mean three crease marks or two crease marks
6 with three sections?

7 A Three crease marks, I believe.

8 Q Three crease marks; is that your testimony?

9 A Yes, one in the center of the page; one half way
10 up the upper portion; one half way down the bottom portion.

11 Q Do you have any opinion as to what the sequence
12 of folding was? Is there anything you can say in that regard?

13 Do you understand me?

14 A Yes, I do. I'm trying to recall what I determined
15 at the time. As I recall, the --

16 Q Take your time; look at your notes, anything.

17 A All right.

18 MR. MENCHETTI: Off the record for a moment.

19 (Discussion off the record.)

20 THE WITNESS: The folds occurred in the following manner:
21 The first fold was at the bottom, folded up, and again, in a
22 sense, rolled up from the bottom in three creases which resulted
23 the stain at the back of the page in which it can be seen.

24 Q You'll have to explain. The stain is in the back
25 of the third page?

26 A That's correct; the stain on the third page
27 corresponds with the upper -- the second section down of the
28 face of the front page.

1 Q Yes. Now, I know you didn't have the paper here to
2 examine but only have rather stiff photographs. Tell me, sir,
3 with respect to the exterior of the three pages when it's
4 folded in the fashion you described, just regarding the
5 exterior in that condition, that exterior would have been in
6 contact with the sides of the interior sides of the inner
7 envelope --

8 A That's correct.

9 Q -- somewhat?

10 A Yes.

11 Q And to the extent you can determine by reference
12 to your photographs, there's no signs of transfer of any of
13 the words on the inner envelope to the sides of this document?

14 MR. BLUMENFELD: Object as asked and answered. Mr. Lile
15 indicated he did not have any notes whether there is or is not
16 any transfer of --

17 MR. FREESE: That was a different question. Now I'm
18 asking him to look at that portion of the three pages that
19 would have been in contact with the inside of the interior
20 envelope and tell me if there are signs of transfer.

21 THE WITNESS: There's no sign of transfer inside. There
22 is a slight stain of bleeding through of the ink from the front
23 portion of the page, but there is no sign of any transfer from
24 other writings onto the portion that would have been in contact
25 with the inside of the envelope.

26 Q BY MR. FREESE: Bleeding from the first page, that
27 is, page 1, evidences on page three?

28 A Yes, that's correct. It was folded up in this

1 fashion. The lower portion of the back side of Q11 was folded
2 upwards into the face of page 1 of Q11 -- Q9, rather. It was
3 then folded again in this fashion so that, by this time, there
4 are now two creases in the document, and then folded again so
5 that the final portion that would have been in contact with the
6 sides of the envelope would have been here and here, and there
7 is no large degree of staining and transfer as there is in the
8 upper portion (indicating).

9 Q Thank you. The inner envelope on the flap is
10 overlayed by the Pitney Bowes meter mark; correct?

11 A That's correct.

12 Q And is there any way to determine whether that
13 perimeter was ever broken? Is there anything one way or the
14 other?

15 A I examined it microscopically and couldn't find
16 any obvious gap. A problem commonly encountered on things of
17 that type is there is a difference in height between the top
18 flap and the underlying paper so there will almost always be a
19 small white line, a gap, in between where the inking impression
20 space does not print. This white line is wide enough to give
21 some leeway had the flap been lifted and replaced back down so
22 it would not be so critical to get it lined up and, micro-
23 scopically, I couldn't get evidence whatsoever to state it had
24 been opened and resealed, based on that alone, or had not been.

25 Q With respect to sealing and resealing, do you feel
26 that you could determine with any degree of scientific
27 accuracy whether an envelope had been only opened once, whether
28 it had been opened and repeatedly resealed?

1 A No. I think in many instances it would not be
2 possible to determine the number of times it had been opened.

3 Q Even with regard to the quantity of the remaining
4 mucilage or adhesive that was on the flap?

5 A If skillfully done, original envelope type
6 adhesive can be replaced onto an envelope from which the old
7 adhesive has been completely washed away and still leave
8 insufficient trace to be detected.

9 Q At least you indicated, I gather, you didn't attach
10 too much significance to it or maybe any significance -- I'm
11 not sure how you put that -- but there was no adhesive line
12 that was different from the line of the actual seal of the
13 flap?

14 A Not that I could determine by microscopic examination,
15 no.

16 Q If there had been one, if I understand you then,
17 you could be more certain that there had been a steaming and a
18 resealing?

19 A I think more certain is as strongly as I could
20 phrase it. It still would not be beyond any possible doubt
21 but more reasonable doubt.

22 Q Indicative of steaming and resealing?

23 A That's correct.

24 Q If there was such a line?

25 A That's correct; that's correct.

26 Q And you didn't find one?

27 A No.

28 MR. FREESE: Thank you very much. I don't think I want

1 to trouble you further. Others may want to question you.

2 MR. MENCHETTI: Not very long.

3

4 EXAMINATION

5 BY MR. MENCHETTI:

6 Q Agent Lile, referring to your report to us dated
7 March 11, 1977, which is Exhibit 4, with regard to that report,
8 on page 4, bottom paragraph, you state the writings on the Q1
9 envelope and the Q2 note were slowly and deliberately prepared
10 and contain inconsistencies, indicating they were probably not
11 the natural writings of the person or persons who prepared those
12 writings.

13 Are you able to testify to a degree of certainty
14 those are the natural writings of anyone?

15 A Only to a probability. It is not certain. Had it
16 been certain, I would have said that it was determined that
17 they had been disguised or distorted.

18 Q And is it true that because of the nature of the
19 writing on Q8 through Q11 that you're unable to determine who,
20 if anyone, did write that document?

21 A That's correct. The writer or writers who prepared
22 those documents, in attempting to copy the characteristics of
23 the Howard R. Hughes ^{writings} ~~statement~~ were sufficiently skillful in
24 leaving out personal characteristics that no positive identifi-
25 cation can be made.

26 Q In the first paragraph, page 5, you state the
27 writings represent an unskilled attempt to copy the writings
28 of Howard R. Hughes. Upon what do you base that opinion?

1 A This is one of the poorer simulated forgeries I
2 have ever examined in my career. It has hardly any indication
3 that any practice went into it whatsoever. By that, I mean,
4 that the lines are exceedingly slow; the beginning and ending
5 strokes are blunted to where there is very little style. A
6 skillful forger would have practiced sufficiently so that he
7 was not forced to copy painstakingly each and every letter
8 each and every time.

9 Q On page 6 of that report, you state it was
10 determined that the streaking of the ball point ink writing
11 on those sheets are the result of applying a solvent along the
12 right edges.

Am I correct, when I say, when I characterize the words, "applying a solvent," is a word of art that was used in that report?

16 A Perhaps I should clarify it a little bit. I don't
17 mean physically applying with a brush or physically applying
18 with a cotton swab; merely the two have come in contact, the
19 solvent and paper, either through the air, through falling,
20 or through brushing or direct application. It could have been
21 any of those.

22 Q During your testimony, I think you used the phrase
23 wetting agent. Would that be interchangeably used with the
24 word solvent in this report?

A In my use of the terms, they would be interchangeable.

27 Q With regard to a question asked of you earlier:
28 did you discuss the results of your tests with others, did you

1 discuss the results of your tests with Agent Stangel --

2 S-t-a-n-g-e-l?

3 A Yes.

4 Q Did you discuss those examinations before, during,
5 or after you had conducted your own?

6 A We only discussed it among ourselves, after we had
7 each conducted our independent examinations.

8 Q Is that discussion a normal course of FBI
9 procedure?

10 A Yes, it is.

11 Q In fact that is required by your procedures?

12 A No, it isn't required, but it's sufficiently
13 customary that no one would omit it, I don't think.

14 Q Did you and Agent Stangel have any differing
15 results?

16 A No, none whatsoever.

17 Q Earlier, in Mr. Blumenfeld's examination, you
18 listed, I believe, eight letters which, as I understood your
19 testimony, were the poorest attempts at this type of forgery.
20 You listed e, j, p, portions of o, s, u, v, and w.

21 MR. BLUMENFELD: Object. I don't think that was his
22 characterization.

23 Q BY MR. MENCHETTI: If I improperly characterized,
24 will you tell me what you indicated that list of letters was?

25 A Those were letters I noted for which there were no
26 corresponding letters in the "Chester and Bill letter" that was
27 reproduced in Life Magazine or in the various Howard Hughes
28 writings, in the book Hoax.

1 Q That's the only reason they had any meaning?

2 A They weren't available and they are letters which
3 differ most drastically from the exemplars for the same letters.

4 Q So, you have eight letters that, as I understand
5 your testimony, now differ drastically from the exemplar
6 letters?

7 A If that's the number there were, yes, that's
8 correct.

9 Q Would you consider eight letters to be an average
10 number of significant variances in a forgery, a high number,
11 or a low number?

12 A First of all, there was specific reason for looking
13 at those particular letters, and it wasn't to add or catalog
14 a total number of characteristics to be arrived on on which to
15 base a decision. It could very well have been fifteen letters
16 weren't there, and those fifteen letters may or may not have
17 corresponded as closely to the exemplar writings or differed as
18 greatly from the exemplar writings. It was just a matter of
19 attempting to determine, if possible, whether the "Chester and
20 Bill letter" had served as the model, as the one reproduced in
21 the Life Magazine. I found those letters not shown in the
22 "Chester and Bill" photograph to differ most drastically,
23 indicating that article could have been the model, an indica-
24 tion it could have been, but I could not state it any more
25 strongly than that.

26 Q In addition to your analysis of the letter
27 formation and the connecting formation of the writings, when
28 you examine a document, do you note, or did you in this

1 instance note, any things that could not be noted by the naked
2 eye, through microscopic means discovery, things that, too,
3 were indications of a forgery on the paper?

4 A The use of high-powered magnification didn't
5 really add significantly to the examination of the writings
6 themselves. In an examination of handwritings, high magnifica-
7 tion is not really needed. In most instances, for example,
8 a ten-to-thirty-time magnification is more than sufficient.
9 Under that magnification, poor-line quality -- that is, the
10 wavering lines -- become much more noticeable than to the naked
11 eye. Under magnification the blunt beginning and ending
12 strokes become more noticeable. The deposits of ink become
13 more noticeable, indicating the speed of the writing. Retouches
14 -- some of the retouches -- perhaps are small. If your
15 attention is directed to them, you probably can see them with
16 the naked eye; but, without your naked eye or your attention
17 being directed to them, probably through a careful scanning
18 under magnification, could they be detected.

19 Q Do you know where Bob Gillham is now?

20 A No, I don't. He's currently serving on ~~the Four~~
21 Inspection Staff. They travel extensively throughout the
22 country, conducting internal inspections.

23 Q Is he headquartered in Washington?

24 A He's headquartered in Washington, but he's gone
25 more than he is there.

26 Q With regard to Mr. Freese's questions to you on
27 Exhibit 9, all of those pages which you read to Counsel and
28 attempted to use your copy, had you used those pages before as

1 part of your investigation?

2 A The photographs themselves.

3 Q Not the writings that you were reading --
4 aloud?

5 A That were transferred --

6 Q No, no, the --

7 A Oh, the work sheets, I'm sorry.

8 Q Work sheets.

9 A No, I didn't.

10 MR. MENCHETTI: I now move to strike all answers with
11 regard to that exhibit by this witness.

12 MR. BLUMENFELD: I join in the motion.

13 MR. FREESE: Overruled.

14 Q BY MR. MENCHETTI: With regard to the glue on the
15 envelope, did you form an opinion as to whether that adhesive
16 glue was glue from another envelope?

17 A Yes, I did. In my opinion, it is not glue from
18 another envelope.

19 Q With regard to that, could it have been glue from
20 a Manilla envelope? Is that glue any different from a regular
21 white stationery envelope? .

22 A Well, I'm sure there are hundreds and hundreds of
23 different types of envelopes manufactured in the United States;
24 and, to the extent the envelope had a water soluble adhesive,
25 intended to be licked, to be stuck down, then, no, it did not
26 come from any type of envelope with that type of adhesive,
27 including any Manilla envelope.

28 Q How about if it came from a material from script.

1 envelope sealed --

2 A Self-sealing?

3 Q And you pulled the little plastic off and pull it,
4 would that be consistent --

5 A No, that's a latex, and they are identifiable by
6 anyone. They have a tendency to string, stretch out, into
7 tiny fibers.

8 Q Again, with regard to the opinion that you reached
9 that the documents in question were an unskilled attempt at
10 a forgery; those are based on your tests and your tests only?

11 A That is correct.

12 Q Your conversations with Mr. Shaneyfelt, did they
13 have any effect whatsoever on the results you achieved?

14 A No way at all.

15 MR. MENCHETTI: I have nothing further.

16 MR. BLUMENFELD: I have a few questions.

17
18 RE-EXAMINATION

19 BY MR. BLUMENFELD:

20 Q Mr. Lile -- and I just want to clarify this point --
21 do I understand that you had all of the original exemplars, you
22 made photographs of them and then examined the photographs?

23 A No, all of my examinations were conducted from
24 original documents.

25 Q I see. I see. So, you didn't use any exemplars
26 or will with regard to copies?

27 A Photographs were strictly for purposes to show how
28 the documents appeared at the time we received them and at the

1 time of the fingerprint examination in case any alterations
2 appeared in the will, envelope.

3 Q In response to Mr. Lilienstern's question,
4 Mr. Lilienstern asked you what you do with your time in the
5 FBI. You indicated one hundred percent of your time was
6 devoted to questioned documents?

7 A It is a full-time job; right.

8 Q I assume, when you said questioned documents, you
9 were also including everything else you did in terms of physical
10 evidence, the photocopying machines and all other evidence?

11 A Anything related to my position as an examiner of
12 questioned documents.

13 Q Now, I just want to clarify one thing: Mr. Manchetti
14 asked you whether you relied at all on any of the notes made
15 by someone other than yourself in Exhibit 9. You said, no; is
16 that correct?

17 A With the exception of the physical dimension,
18 measurements, which, for record purposes, I saw no reason to
19 duplicate but maintain as notes.

20 Q Did you ask the person who made those notes what
21 the physical dimensions were?

22 A I don't recall asking him; no, I don't.

23 Q Where did you obtain those notes from?

24 A They were Mr. Gillham's notes. At the time he was
25 taken off the case, he brought the notes to me and I conducted
26 my examination. At the completion of my examination, I
27 assembled all the documents all together into a laboratory file
28 a folder, and maintained them in that fashion.

1 Q Can you state with a certainty as to who wrote
2 those notes?

3 A No, I cannot.

4 Q Now, on Exhibit 9, you responded to Mr. Fricke that
5 certain parts of this exhibit were simulations by you, an
6 attempt -- not an attempt to forge Howard Hughes's writing --
7 but at least see what the general format, configuration of his
8 writing was; is that correct?

9 A In essence.

10 Q How long did it take you to practice to be able to
11 simulate the way you did?

12 A You mean these particular writings or just be able
13 to simulate writings?

14 Q These particular writings?

15 A These particular writings were not done for any
16 reason other than reconstruct the writings themselves. They
17 were done exceedingly slowly, done with a broad lead pencil
18 because this is the easiest type of instrument to use. I
19 would say that, and again, as I mentioned before, that I spent
20 off and on several days in doing this, several days. Not all
21 of that time was spent on the simulations, but a significant
22 portion.

23 Q That is on actually going through the simulations?

24 A Actually going through the simulations.

25 Q Did you practice at all before that?

26 A No, I did not.

27 Q So, you just took the documents you had and you
28 simulated, attempted to simulate --

1 A After examining the original writings themselves
2 under magnification, yes.

3 Q Which documents did you use to prepare these
4 simulations?

5 A In most instances the documents that correspond
6 in text to -- again, in most instances, I have the Q number or
7 K number, whatever mark is out on the margin.

8 Q Were all of these simulations done at the same
9 time or over different periods of time?

10 A Over different periods of time.

11 Q Were they done in the order in which nine appears;
12 that is, 9a appears to be the inner envelope. Would that have
13 been the first document you did, the first attempted simula-
14 tion?

15 MR. FREESE: You say inner; I think you mean outer.

16 Q BY MR. BLUMENFELD: I'm sorry, I did say inner;
17 I meant outer.

18 A Usually the procedure is to start with the lowest
19 numbered specimen, work to the highest numbered specimen.

20 Q Well, I'm looking at 9a, and I see -- do you have
21 9a, by the way? Why don't you get your copy and read along.

22 Do you see the Q8 underlined and Q9 arrow, Q11?

23 A Yes.

24 Q Now, are there any simulations from those documents
25 on 9a?

26 A I believe there are simulations from Q8, the bottom
27 portion of 9a.

28 Q Are you saying you went from Q1 to Q2, then to Q8;

1 is that correct?

2 A Yes.

3 Q At that time had you looked at any of the exemplars?

4 A I was doing the examinations, as I, again, I think
5 I said before, with the specimens lying side by side,
6 questioned specimen and the corresponding exemplar specimen.
7 My notes, the arrows, all represent the comparisons I was
8 making at the time I was going along.

9 Q So all of these simulations by you, then, were
10 'done with all of the exemplars in front of you?

11 A Well, no, not at one time, but the appropriate
12 exemplar for comparison. The -- well, for instance, Q1 and
13 Q2, the outer envelope and the note, I did not compare those
14 writings with the writings of Howard R. Hughes. Those were
15 only compared with the Durmars writings to the limits I could,
16 based on the photocopies and the limited original writings I
17 had.

18 Q Maybe I misunderstand what simulations are. I
19 apologize for that. Are these simulations of the questioned
20 documents only?

21 A That's correct. The first several pages of my
22 simulations are all from the questioned documents.

23 Q Looking at 9c, I believe, if I remember your
24 testimony correctly, you stated that these were simulations
25 from the Life Magazine, and that's the "Dear Chester and Bill
26 letter"?

27 A And specimen K11, yes.

28 Q So your simulations were more than just from the

1 questioned documents?

2 A As I said, the first several pages were from the
3 questioned documents.

4 Q Well, this is 9c, which is the third page.

5 A Well, at that point I began the simulations ^{of H.} ~~as~~ the
6 exemplar writings of Howard Hughes, yes.

7 Q And when you prepared the simulations for 9c, had
8 you looked at all the exemplars by that time?

9 A I had not looked at all of them, probably a
10 sufficient quantity of the contemporaneous documents. As I
11 stated before, I considered those contemporaneous documents of
12 more importance for the comparison purposes because they were
13 purported to be contemporaneous with the questioned documents.

14 Q Now, can you be absolutely certain, as you look at
15 9c, that your simulation was prepared from the "Dear Chester and
16 Bill letter" in Life Magazine?

17 MR. MENCHETTI: I don't think that was his testimony.

18 Q BY MR. BLUMENFELD: Is that not your testimony?

19 A Either that or Specimen K11, which is the original
20 exemplar.

21 Q Either one? I'll accept that qualification.

22 Did you hear the question?

23 A No, I'm sorry.

24 Q As you look at 9c, the simulations that you
25 prepared, can you be absolutely certain in your own mind that
26 the only document that you prepared that simulation from was
27 the "Chester and Bill letter" which appeared in Life Magazine,
28 or I understand you had the original of? In other words, can

1 you tell me with absolute certainty you looked at no other
2 exemplar when you prepared these simulations?

3 A No, I really can't know with real certainty. I did
4 have them; they were available; it's possible, as I was going
5 and cataloging different letter formations, I did go through
6 the other exemplar documents. I would say, since I have it
7 labeled at the top, majority of them, probably majority did
8 come from Kll or the Life Magazine article, though.

9 Q Now, you indicated that in pre-'70 in the Hughes
10 writings, the e's were discontinued, but after 1970 the e's
11 were connected; is that correct? When I say e's, I guess it's
12 the double e's.

13 MR. FREESE: Double e's.

14 THE WITNESS: If I recall correctly, prior -- that is,
15 in the early exemplars provided -- they were disconnected and
16 later they were connected together.

17 Q BY MR. BLUMENFELD: Did you see any connected
18 double e's in any exemplars prior to 1970?

19 A I can't state with any certainty there aren't
20 absolutely any of them. Obviously the predominance were
21 disconnected or I would not have made note of the fact.

22 Q When you say predominance, we all have a different
23 interpretation of the word, perhaps. What do you mean by that?
24 Does that mean more than 50 percent?

25 A Well, in the field of handwriting examination, you
26 have, for lack of a better term, what you refer to as accidentals
27 and you, I, each person has a basic way of making a certain
28 letter most of the time, within a standard range of variation.

1 Occasionally, for some reason, that one letter out of perhaps
2 that entire word, either because you look up just as you're
3 making the letter or something else occurred, that letter will
4 look different from the usual letter; that one out of the entire
5 word. For lack of a better term, we call them accidentals.
6 It's possible you might find once or even twice something
7 occurs that isn't within what is demonstrated as the normal
8 range of variation of any writing when compared to the
9 remainder of the writers. So, when I say that the predominance
10 were disconnected, then I am excluding perhaps one or two out
11 of perhaps twenty instances where they were disconnected.

12 Q I see, but if that were to occur prior to 1970,
13 since the e's, double e's were disconnected, if that were to
14 occur, wouldn't that be more reason to cause more disconnected
15 and not --

16 A The looking away was a hypothetical example.

17 Again, a person's writings will change gradually
18 and evolve, for lack of a better term. In my experience, a
19 person will perhaps begin to experiment, or unconsciously begin
20 to use different letter forms considerably earlier to the time
21 it becomes their standard habit. It will occasionally pop up
22 in the writings; but predominantly it will not be there.

23 Q And you find a predominance of double e's that
24 were connected in the will?

25 A As I recall, yes, I did.

26 Q So this is as opposed to an accidental, an
27 occasional, double e that is connected?

28 A Yes, that's true.

1 Q Now, in response to Mr. Freese's questions with
2 respect to the, I believe, staining and the running of the
3 words, I think you may have called this indented writing from
4 one page to the other page?

5 A Transferred writing.

6 Q Transferred writing. You had a mirror and you
7 were reading some of the words that were on page 3 of the will?

8 A That's correct.

9 Q You indicated it came from the top of page 1?

10 A That's correct.

11 Q Were you absolutely certain of that?

12 A Based upon what I could do, sitting right here.
13 I should make it clear, though, at the time I had the original
14 documents I spent a considerable amount of time with these
15 original documents in their then condition with their original
16 creases and folds in the original locations, so I could,
17 wearing cotton gloves, put them together and match them up.
18 They all matched at that time and I satisfied myself all these
19 writings did transfer from particular portions of the other
20 pages that were right in front of me.

21 Q I understand that, but I think I'm referring to the
22 transfer from page 1 to 3. Your notes don't reflect it. As I
23 understand, there was a transfer from page 1 to page 3; isn't
24 that correct?

25 MR. FREESE: I think he testified to that.

26 MR. BLUMENFELD: You asked him what the contents were of
27 his notes.

28 THE WITNESS: I stated I don't recall what my notes would

1 say, but I do recall taking the examinations and making the
2 matches between the backs and the front and stains and
3 transferred writings to satisfy myself there weren't missing
4 pages out of there or other pages had been inserted. Several
5 other things could have happened. At that time I satisfied
6 myself that every single transfer writing I could see on this
7 document was explained by other writings that appeared in the
8 same document.

9 Q BY MR. BLUMINFIELD: And with respect to the folding,
10 you said there were three creases in the will, pages of the
11 will. That would leave four sections; isn't that correct?

12 A I believe that's correct.

13 Q You indicated it was folded from the bottom up and
14 then from the top down; is that correct?

15 A Well, the last flap -- it's a matter of semantics.
16 When you start at the bottom and working your way up, does the
17 last one go over and fold on top or does the last one go on top
18 of the others? The last fold put the bottom -- the back of the
19 bottom of page 3 in contact with the upper portion of the face
20 of page 1.

21 Q Are you absolutely certain as to the direction of
22 the fold or is that latter comment the reason you concluded
23 it was folded in that fashion? Do you understand the question?

24 A Yes, I do. It's the only explanation I can think
25 of for it. Again, as I said, I went through all the folding
26 procedures originally, satisfying myself all these things were
27 transferred from the documents I had before me and things were
28 not missing or had pages added. Again, these are pretty much

1 standard things to go through. It is only those things that
2 leap out or become very significant as being indicative of
3 legitimacy or immediately of a hoax that usually results in my
4 taking a note. My reports are usually sufficiently clear that
5 I can reinterpret, at a later time, based upon them and ~~my notes~~⁷⁴⁻¹¹²⁷ the
6 notes I take, the simulations, and the notes in the margins.

7 Q But do I understand, though, Mr. Lile, that the
8 only reason you concluded that it was folded in that fashion
9 was because of the transference of the writing?

10 A Because of the way they matched; correct.

11 Q And if there was another explanation to it, that
12 could change your mind?

13 A Could change my opinion as to how the writings got
14 transferred, but only in that portion of my thinking.

15 Q I see. Now, will you please explain what indented
16 writing is so we can discuss that for a moment?

17 A Indented writings are writings transferred from the
18 page on which the person is writing, through the paper, onto
19 the sheet underneath, without leaving any visible writings; that
20 is, it leaves dents. You write with a heavy pencil or ball
21 point pen on one sheet of paper on a tablet. When you tear it,
22 underneath that are the indented writings of the writings of
23 the sheet you threw away, tore away.

24 Q What was your indication to Mr. Freese with
25 respect to whether or not you found indented writing on any of
26 the pages of the will?

27 A I found no indented writings of any significance
28 on any of the pages.

1 Q You found some?

2 A No.

3 Q When you say of any significance, does
4 indicate there was none or some but not a lot?

5 A I found no creases, no indentations, no that could
6 be interpreted as writings.

7 Q But you found marks?

8 A There will be some few folds, crinkles, and ^{the} ~~this~~ ^{of}
9 sort of thing, always.

10 A document will not fold a definitely clean way.
11 There will be some creasing coming from a sheet. Those are the
12 indentations, but not indented writings of significance.

13 Q I am confused. I thought indented writings only
14 applied to the marks made by writings?

15 A Perhaps my phrasing is bad, because that is what I
16 am referring to when I say that is what I was looking for,
17 indented -- I was looking for indented writings and found no
18 indented writings.

19 Q So you're saying you found no indented writings on
20 the pages of the will?

21 A That is correct.

22 Q Now, did you make that test yourself?

23 A Yes, I did.

24 Q Can you say with an absolute certainty that there
25 were no indented writings on any of the writings of the will?

26 A I did not find any after careful examination of the
27 sheets of paper.

28 Q Do marks from indented writings ever fade?

1 A They can, yes, sir.

2 Q Over a period?

3 A Humidity in particular can cause them to fade.

4 Q How about time?

5 A Time. There are variables involved: time,
6 presence or absence of humidity, storage of the document,
7 whether protected or not. For instance, a folded document,
8 protected within pages of a book on a shelf in a library will
9 last and maintain some characteristics for many, many years,
10 including fingerprints.

11 Q How many years?

12 A Well, again, there are too many variables involved.
13 I could not give you a specific time frame.

14 Q Is it possible indented writings could disappear
15 after two, three months?

16 A Under some circumstances, yes, I think it's
17 possible.

18 Q You indicated also that fingerprints would also
19 be maintained over a period of time?

20 A In some instances, I said it's possible that even
21 fingerprints could be retained.

22 Q Let's deal with fingerprints for a moment. Are you
23 saying that fingerprints can be retained on a document more
24 than five years?

25 MR. MENCHETTI: Objection as being out of the scope of
26 expertise of the witness.

27 MR. BLUMENFELD: I think the witness has testified he
28 believes that fingerprints can in fact be retained over a period

1 of time -- after a period of time.

2 THE WITNESS: I stated in the protection of a document
3 that, in regard to protecting a document, I have heard in
4 discussions with our latent fingerprint people ever finger-
5 prints on occasion have been found in protected documents for
6 a fairly long period of time. I don't recall the exact time
7 frame they were discussing. This is not from my own experience
8 and my own expertise.

9 Q You have no knowledge?

10 A No, I don't.

11 Q Now, just to clarify a point: We look at a document
12 more than one page, and we see the absence of indented writing;
13 all we can say is there is an absence of the indented writing?

14 A That's exactly right.

15 Q Nothing else?

16 A I would say that, yes.

17 Q Now, I believe Mr. Freese asked you if you looked
18 inside the inner envelope to see whether there were any marks
19 of any kind in the inner envelope. You said you didn't know;
20 is that correct?

21 A I said I didn't have anything in my notes which
22 would indicate one way or the other but, again, knowing the way
23 I work and the way I keep notes, I write things of significance.
24 If there is nothing significant there, I frequently will make
25 no notes whatsoever, because I know what my procedures are.

26 Q But you don't recall? You have no memory of ever
27 looking inside the envelope to check?

28 A I honestly have no clear recollection of looking

1 inside the envelope.

2 Q Mr. Lile, would you please, for a moment, take a
3 look at Exhibit 6. Look at those arrows.

4 MR. FREESE: Do you have the original?

5 Q BY MR. BLUMENFELD: You can refer to the original;
6 Mr. Lile has the original.

7 I think photocopies are better.

8 A Quite often it's true. That is one of the reasons
9 I use red in making the arrows, because they photocopy very
10 dark.

11 Q Now, in looking at those arrows, tell us what those
12 arrows indicate?

13 A Indicate the corresponding tear portions of the
14 four areas where the adhesives were placed; that is, those were
15 the areas that I had to physically force apart, even after they
16 had been soaked in acetone.

17 Q So that the tears that are shown where those arrows
18 are pointing were caused by your tearing apart?

19 A That's correct.

20 Q Were there any other tears caused by you or any
21 of the other government personnel who had examined this envelope?

22 A As I recall, there was a large tear in the flap
23 itself -- that is in the seam of the flap -- and after wetting
24 the envelope extensively it actually separated from -- it
25 actually separated from the remainder of the envelope; that is,
26 where originally attached. It finally tore all the way through.
27 Other than that, I made no other tears myself.

28 Q Now, Mr. Lile, I'm going to read a part of your

1 report, which is Exhibit 5a. I just want you to tell me
2 whether this is correct:

3 It was observed that additional adhesive, different
4 from the original water-soluble adhesive on the flap of the
5 envelope, had been added to the flap prior to sealing. The
6 presence of this additional adhesive, as well as the other
7 features which were observed in the envelope and which were
8 reported in the above referenced laboratory report, are
9 consistent with envelopes which have been steamed open and
10 resealed.

11 Is that an accurate statement?

12 A These are characteristics which would or could be
13 found in envelopes that were steamed open and resealed.

14 Q That would mean that the envelope was resealed
15 originally in order to be steamed and resealed?

16 A Not necessarily.

17 Q But it could be?

18 A But it could be. There was no way to prove one
19 way or the other, as I believe I answered Mr. Freeze, whether it
20 had been or not. The resultant characteristics would be
21 similar.

22 Q Why, in your report, didn't you indicate that?
23 Why did you say consistent with envelopes which have been
24 steamed open and resealed? I mean, you didn't allow for any
25 other possibilities; why is that?

26 MR. FREESE: I object to your characterization --

27 MR. BLUMENFELD: Let Mr. Lile answer the question.

28 MR. FREESE: Let me get my objection in, since I'm

1 supposed to have that right.

2 I object to the characteristics of what the
3 particular document says or what Mr. Lile purportedly said.

4 Go ahead.

5 Q BY MR. BLUMENFELD: Now, you may answer.

6 A Well, my statement in the report is true. These
7 are characteristics that are consistent with envelopes that
8 have been sealed, steamed open, and then resealed again. True,
9 the same characteristics could also be found in an envelope
10 that was never sealed prior to steaming, was steamed and then
11 sealed actually for the first time but giving every appearance
12 of having been originally sealed. The only basis for believing
13 it possibly was sealed was the very thin adhesive that was
14 originally added remaining in the upper flap. There was very
15 little there when the flap came up. You can observe in the
16 photographs there are hardly any traces at all of adhesive,
17 but that is not a truly significant feature on which to base a
18 positive finding one way or the other. I'm merely reporting
19 the features I found, and these are consistent with certain
20 procedures.

21 Q But for some reason -- and maybe it's because I
22 don't understand your report -- you only indicated that it was
23 consistent with the envelope being steamed open and resealed.
24 Is that a normal thing to do in a report, indicate just one
25 conclusion, even though there is another conclusion that is
26 equally possible?

27 MR. FREESE: Object; I'm not sure you're accurately
28 summarizing what the document says. It speaks for itself.

1 Q BY MR. BLUMENFELD: Tell us what Exhibit 5a says
2 with respect to the sealing, steaming, and resealing?

3 MR. FREESE: Objection, the document speaks for itself.

4 MR. BLUMENFELD: We have Mr. Lile. You prepare that
5 report; is that correct?

6 THE WITNESS: Yes.

7 Q BY MR. BLUMENFELD: You understand what you wrote
8 in that report?

9 A Yes, I do.

10 Q Will you please tell us what you meant in your
11 report, which is Exhibit 5?

12 A I meant exactly what the report says, that I
13 found characteristics consistent with envelopes that have been
14 sealed, steamed open, and resealed. I did not state it
15 positively had been sealed, steamed open, and resealed; merely
16 the consistent characteristics are there.

17 Q Now, in response to Mr. Freese's question about the
18 envelope, the inner envelope, I believe you indicated it had
19 signs of extreme heat being applied?

20 A Yes.

21 Q But isn't that also consistent with aging?

22 A Over long periods of time, some of the same
23 characteristics would be found, yes, in antique documents,
24 old documents.

25 Q Well, would the same characteristics be found in a
26 document that was eight years old?

27 MR. FREESE: Eli, excuse me; I lost what you're referring
28 to.

1 MR. BLUMENFELD: We're off the record.

2 (Discussion off the record.)

3 MR. BLUMENFELD: On the record.

4 THE WITNESS: There are so many variables involved, I
5 have to use the involved variables. When you're dealing with
6 paper and appearance of age with one thing or another, there
7 are many variables involved; and a major factor behind the
8 appearance of a document is the conditions under which it has
9 been stored and kept. If a document is properly stored and
10 protected, it can still look very new many years later. By
11 the same token, a document relatively new, if exposed consistently
12 for ~~or~~ several days under extremely bright sunlight or harsh
13 elements, can be made to appear very old or have a superficial
14 appearance of age in a relatively short time span. What I'm
15 saying is this brittleness around the edges --

16 Q BY MR. BLUMENFELD: Can be duplicated by the use
17 of extreme heat? You can achieve the same results by use of
18 extreme heat?

19 A The age areas, not the brittleness, can be explained
20 by extreme heat. There are probably other explanations. These
21 are the possible explanations, I would say, most probable.

22 Q But isn't it also consistent with an envelope which
23 is eight years old and may have available a number of elements
24 involved: weather, temperature, and also have something placed
25 covering the interior of that envelope?

26 A I couldn't totally discount the possibility that
27 the same general appearance could be achieved in that fashion.

28 Q When you say you couldn't totally discount, isn't

1 it possible both are possibilities and neither one can be any
2 more a possibility than the other?

3 A With the date of this document, 1968, and the
4 extremely brittle nature of the edges of the sheet. I would
5 say a greater possibility that the extreme heat caused this
6 crackling and breaking around the edges than did age,
7 regardless of weathering and exposure. These are extremely
8 brittle, extremely brittle.

9 Q Now, I believe you testified that you cannot
10 discount the possibility of heat being applied to the third
11 page of the will; is that correct?

12 A Some heat, whether directly applied or transmitted
13 through something else, no, I can't, because there are some
14 slight yellow discolorations I did notice under exposure to
15 ultraviolet light. There was a slight fluorescence on the
16 bottom portion of the will itself. That's on the lower one --
17 half, I think, page 3. There was a slight discoloration, not
18 much. It's the type that would come through transfer; not
19 ^{enough to} ~~such~~ to make any positive finding based upon that slight
20 fluorescence, but this would also be consistent with heat
21 transferring through another document.

22 Q When you say heat transfer, please explain that.

23 A Heat seeping through another one, if that makes
24 it a little more clearly. If the top page is warm from the
25 sun and the second page not in the sun, it still gets slightly
26 warm because of the heat transferring through the top page.

27 Q Is that consistent with other possibilities also?

28 A I'd have to think what some of the other possibilities

1 could be.

2 Q Well, the discoloration on the third page that you
3 indicate, what is that discoloration? Was it brittle?

4 A No, it's only a discoloration. There is a
5 discoloration to the naked eye, slight brownish tinge on the
6 back of the third page. I don't know the positive explanation
7 how it got there. There's a slight difference in the bottom
8 portion of the back page when exposed to ultraviolet light,
9 different from the upper portion. Again, I don't know what
10 causes that slight difference in fluorescence. I only know it
11 is there.

12 Q You didn't indicate that there was any transference
13 to the envelope at all from the will, did you? I mean, other
14 than inside of the envelope we have covered, any other
15 transference to the inner envelope?

16 A Again, we're talking about my lack of clear
17 recollection as to whether I looked inside.

18 Q Now, we went through the inside. I'm talking with
19 any other area other than inside which we covered earlier.

20 A I don't recall any transference, no.

21 Q Now, you were discussing earlier the absence of a
22 glue line. Will you please take Exhibit 6 and tell me what
23 you mean by that, and we can get into a discussion on that.

24 A When an envelope is sealed -- that is, the adhesive
25 is licked or water placed in some fashion and applied back to
26 the backside of the envelope and it dries and sticks, occasion-
27 ally, when an envelope is steamed open, some of the adhesive in
28 the flap will ^{leap} forward slightly from the edge of the flap

1 so that, when the flap is later sealed again, unless the
2 person who is doing the rescaling is extremely meticulous and
3 careful, they will not perfectly align the flap with the
4 previous glue line but, again, that glue line doesn't always
5 remain. Sometimes it does not ooze out from under the flap.
6 Sometimes the original adhesive was too ~~wet~~^{wet}. Perhaps the
7 steaming was so wet it washed it off the surface of the page.
8 There are several possible explanations, which is why I
9 mentioned the presence of the glue line can be significant, but
10 the absence of it isn't necessarily of any significance.

11 Q So, it's of no significance whatsoever one way or
12 the other?

13 A One way or the other; that's true.

14 Q Now, Mr. Menchetti asked you a couple questions
15 with respect to the quality of the forgery and you indicated
16 you felt it was one of the poorest forgeries you had ever
17 examined in your career?

18 A Very poor.

19 Q If we were to take a scale of forgery only from one
20 to ten, where would you place it, if you can?

21 A Very, very hypothetical, and I don't feel I can
22 give you an answer under the circumstances. It's just poorly
23 done. That's all I can say.

24 Q Let's say your experience in forgery, forgetting a
25 hypothetical; in your experience of quality of forgeries, would
26 you say this is the worst you have ever seen?

27 A Wouldn't say it's the worst. I would say it's one
28 of the poorer ones. I don't know how better to describe them.

1 Q You said it was done by a person unskilled. What
2 did you mean by that?

3 A Some persons, in my experience in examining
4 questioned documents, have become very skillful in forging.
5 The average person is not skilled. I'm not meaning to imply
6 this person lacks any manual dexterity whatsoever; merely that
7 this person has not practiced the craft sufficiently long to
8 develop skills enough to try to pull off something like that.

9 Q Could you determine anything else about the writer
10 of the will, other than the fact he was unskilled and an
11 unskilled forger?

12 A As a matter of fact, I couldn't even state with any
13 certainty there was one writer involved in the preparation of
14 the will.

15 Q So, the answer to that question is you can't tell?

16 A Can't tell. I cannot tell anything except who did
17 not prepare it.

18 Q Mr. Menchetti asked you if you discussed your
19 findings with Mr. Stangel. Now, who was the first one between
20 you and Mr. Stangel, that is, to conduct the examination?

21 A Myself.

22 Q And when the report came in, did Mr. Stangel -- and
23 the questions from the Attorney General -- did Mr. Stangel know
24 he was going to be the backup examiner?

25 A At that time, no, he did not.

26 Q When did he first find out?

27 A Can't give you a specific date. It was at or about
28 the time Mr. Gillham was transferred. When I was made number

1 one, it was necessary to find another number two examiner.

2 Q How far along into your examination were you at
3 that time; do you recall?

4 A No, I don't. I honestly don't.

5 Q Well, do you recall if you completed your
6 examination on handwriting?

7 A No. Again, I can't recall. I can't even recall
8 that I had gotten into the examinations, the physical
9 examination, to any great degree, because, for several months,
10 we were almost in a holding pattern, waiting on more exemplars
11 coming in, and very little was being done. It was maintained
12 and stored.

13 Q Do you know Mr. Stangel on other than his being
14 with the FBI? Do you know him personally?

15 A Well, I know him personally in the way you know
16 people you have worked with for several years on a daily basis
17 and you have been with them, Stangel and his family, socially
18 on a few occasions. No, not to any great degree.

19 Q Do you see him on almost a daily basis?

20 A Oh, yes.

21 Q And during this period of time you never discussed
22 the will or the case you were involved in in this entire
23 investigation?

24 A On occasion he commiserated with me on working the
25 thing. Other than that, no, I don't recall discussing the
26 results with him alone.

27 Q When you say commiserated, what form would that
28 take?

1 A It was some burden on several people. At one time,
2 when Mr. Greenhalgh was having to fly on a daily basis back
3 and forth to Washington, a couple of times I was staying down
4 late at night several days a week to accept Mr. Greenhalgh
5 and his evidence. It was an awkward situation for several
6 weeks, trying to keep everything straight and keep everything
7 properly stored away, and that sort of thing.

8 Q You mean you worked on that examination during the
9 evenings too?

10 A I don't recall actually working on the examination
11 in the evening. I recall staying down late and waiting for
12 Mr. Greenhalgh to fly in from Las Vegas several times.

13 Q So, other than the commiseration, you never once
14 discussed the will itself, either before or after you reached
15 your conclusion, with Mr. Stangel?

16 A I didn't discuss -- I won't say we didn't discuss
17 the will in any way whatsoever. I know I did not discuss my
18 findings with him. Once I discovered the fact he was going to
19 be the backup man, and then I was just beginning to get into
20 the examination, as I recall -- .

21 Q Did you, by the time you talked to Mr. Shaneyfelt,
22 did you know at that time that Mr. Stangel was going to be your
23 backup man?

24 MR. MENCHETTI: I object on the basis that question is
25 not clear. He talked to Mr. Shaneyfelt a number of times and
26 worked together.

27 MR. BLUMENFELD: That's a good objection.

28 THE WITNESS: Again, I talked to Mr. Shaneyfelt different

1 times; talked to Stangel on a daily basis. It's hard to say
2 to what degree something was discussed.

3 Q BY MR. BLUMENFELD: In your discussion with
4 Mr. Shaneyfelt, at one point you told him, as I understand,
5 "My conclusion is not inconsistent with yours"?

6 A Or something to that effect.

7 Q Something to that effect?

8 A Yes. I can't recall the specific words.

9 Q Did you know at that time Mr. Stangel was assigned
10 as your backup man?

11 A Well, inasmuch as I don't really know when I made
12 that comment to Mr. Shaneyfelt, no, I don't know.

13 If I could make one -- volunteer one thing, here?
14 I know the problem that is believed to be there, but both
15 myself, Mr. Gillham, Mr. Stangel, and I'm sure Mr. Shaneyfelt,
16 are sufficiently professional that the examination of
17 questioned documents, particularly being aware of the
18 controversial nature of the documents concerning Howard Hughes,
19 that we are going to accept no one's judgment except our own
20 after the examinations, and that nothing any of those other
21 men might or might not have said, or I might or might not say
22 to them, is going to affect their conclusions. I have
23 sufficient confidence in the integrity and professionalism of
24 my associates to say that.

25 Q Have you ever been aware of any stories written or
26 published about Mr. Shaneyfelt?

27 A No, I don't.

28 Q Have you ever been aware of any stories that there

1 were at that time or at any time while you were with the FBI
2 with respect to Mr. Shaneyfelt's activities on certain photo-
3 graphs connected with Lee Harvey Oswald?

4 A Oh, yes.

5 MR. FREESE: I'm going to object. My God, if we're going
6 to compound this with all that nonsense in the Kennedy
7 assassination --

8 MR. BLUMENFELD: Your objection is noted.

9 MR. FREESE: Preposterous; probably comes from Mark Lane's
10 nonsense.

11 MR. BLUMENFELD: I've seen some of yours, probably far
12 in excess to anything you have just heard several times. In
13 any event, answer the question.

14 THE WITNESS: I'm aware Mr. Shaneyfelt did photographic
15 work on the investigation of the Kennedy assassination. I
16 believe that his picture appeared in the paperback edition of
17 the Warren Commission Report. That's about the limit of my
18 knowledge of his association with any book or the Kennedy
19 assassination.

20 Q BY MR. BLUMENFELD: You don't know anything with
21 respect to the photograph he took of Lee Harvey Oswald?

22 A No, I don't.

23 MR. BLUMENFELD: No further questions.

24 MR. FREESE: Let the record reflect, if any of what I
25 regard nonsense concerning the Warren Commission as alleged in
26 photos and things, criticisms expressed by some rather
27 extravagant case, if there is some injection of this kind of
28 thing, I warn Counsel, I'm going to move for a mistrial. If

1 you let the jury get into that area of nonsense, I'm just
2 telling you I'm going to move --

3 MR. MENCHETTI: Does anyone have any further questions
4 of this witness?

5 MR. BLUMENFELD: No.

6 MR. FREESE: No.

7 MR. MENCHETTI: I do, if you don't mind.

8

9 RE-EXAMINATION

10 BY MR. MENCHETTI:

11 Q Agent Lile, when you were asked on re-direct about
12 the e, the double e notations you found in the progression of
13 Mr. Hughes's development of his handwriting and the date 1970
14 was used, is it possible to develop a specific date when a
15 person's handwriting changes in the normal course of events?

16 A No, it's a slowly evolving situation. Only basis
17 for the dating were the dates on the documents we had in our
18 possession.

19 Q With regard to Exhibit 5 and your statement on the
20 presence of this additional adhesive and referring to the glue
21 on the flap, when you prepare reports, are they prepared in
22 response to questions submitted to you?

23 A Usually, yes.

24 Q Are you aware, in this instance, of our office
25 asking you to see if in fact the envelope had been sealed and
26 resealed?

27 A Yes, I specifically recall Mr. Greenhalgh wanted
28 me to determine can -- is it true or can we prove or can it be

1 shown that that envelope was steamed open and resealed.

2 Q Yes, and you think that might explain the
3 particular wording you used in this report as opposed to any
4 other wording?

5 A I still find my wording -- I find no problem with
6 my wording at all. To me, it's sufficiently complete to cover
7 all the possibilities. It could possibly have been influenced
8 by the phrasing of the quote.

9 MR. MENCHETTI: That's all I have.

10 MR. BLUMENFELD: No questions.

11
12 RE-EXAMINATION

13 BY MR. FREESE:

14 Q I'm sorry, I have one problem with respect to your
15 work notes, page 9j: writing Q8-Q11 does not -- something?

16 A "Drop under IR," infrared.

17 Q What does that mean, does not drop?

18 A Inks that do not have carbon in them, when exposed
19 to infrared light, will become invisible. If they have carbon
20 in them, will not become invisible to red light.

21 Q With respect to fluorescence, Mr. Lile, when you
22 discussed fluorescence in the context of noting the presence
23 of it on one portion of the questioned documents, the specific
24 questioned document being the three-page will, you recall, sir,
25 whether the outer envelope had fluorescent qualities?

26 A As I recall, nothing fluoresced to any great degree.
27 There was that slight fluorescence on that back portion of
28 page 3 and, other than that, there was no fluorescence of any

1 significance on anything.

2 Q Well, do you remember for sure whether there was
3 a test for fluorescence concerning the outer envelope?

4 A Yes, there would be.

5 Q And the inner envelope?

6 A Yes -- I take it back. The outer envelope and the
7 note, I can't testify that this didn't occur because I did not
8 conduct the physical examinations of the outer envelope and
9 the note.

10 Q How about the inner envelope?

11 A The inner envelope, yes, I can assure you.

12 Q They were tested for fluorescence?

13 A Yes.

14 Q So, if there was transference of fluorescence to
15 the interior -- strike that -- to the portion of the three-
16 page document, as you described it, it would not have been
17 from the inner envelope?

18 A I would say probably not. Again, there is no way
19 of knowing to what degree that inner envelope was wet. Some
20 of the materials, the sizing materials used in the manufacture
21 of envelope paper is fluorescent by nature, sometimes a very
22 slight degree. I'm not certain but what considerable exposure
23 to water or some other liquid couldn't possibly ^{leach} ~~wash~~ out, or
24 wash out, some small amount of material of that type; so, again
25 I can't state with any certainty.

26 Q So the factor of fluorescence doesn't really tell
27 us anything of significance with respect to the question of
28 whether the three pages were inside the envelope --

1 A Not in my opinion.

2 Q -- at any time concerning steaming, for instance?

3 A In my opinion, it's of interest but of no legal
4 significance.

5 MR. FREESE: Yes, okay.

6 MR. BLUMENFELD: Just one question.

7 With respect to 9j, Mr. Frese indicated that those
8 were your notes, and I believe 9j comes --

9 MR. FREESE: I'll stipulate to that.

10 MR. BLUMENFELD: They were not your notes; someone else's
11 notes?

12 MR. FREESE: Just wanted to understand what they meant.

13 MR. MENCHETTI: Thank you, Mr. Lile.

14 MR. FREESE: It's stipulated this may be signed by any
15 notary?

16 MR. BLUMENFELD: So stipulated. Stipulated on behalf of
17 Clay, I assume, also.

18 Mail the original to the witness directly.

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22 James E. Lile
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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3
4 I, _____, Notary Public
5 for the State of California, County of Los Angeles, certify:
6 That on the _____ day of _____, 19____,
7 before me personally appeared _____
8 _____, James E. Lile _____,
9 the witness whose deposition appears herein.

10 That the said witness was by me advised of the right
11 to make such changes and corrections in the deposition as
12 might be necessary in order to render the same true and
13 correct;

14 That said witness stated to me that the said
15 deposition had been read to or by said witness, and having
16 made on the record such changes and corrections as were
17 desired thereupon, subscribed and swore to the said
18 deposition in my presence.

19 IN WITNESS WHEREOF, I have subscribed my name and
20 affixed my seal of office on the date hereinabove written.

21
22
23
24 Notary Public, State of California,
25 Principal office, Los Angeles County.
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STATE OF CALIFORNIA)
COURT OF LOS ANGELES) 88.

I, Carmel Verodi, CSR #2422, a Notary Public
for the State of California, do hereby certify:

That, prior to being examined, the witness in the foregoing deposition, to wit:

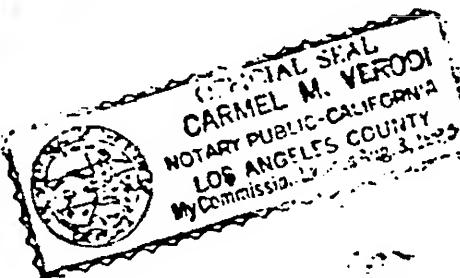
James E. Lile

was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction; and I hereby certify the foregoing deposition is a full, true, and correct transcription of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

IN WITNESS WHEREOF I have hereunto subscribed my
name and affixed my seal this 4th day of August, 1977.



Notary Public for the State of California. Principal office, Los Angeles County.



THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Director Kelley

November 2, 1977

b7c

FEDERAL GOVERNMENT

B
Mr. Lawrence J. Semenza
United States Attorney
Box 16030
Las Vegas, Nevada

Dear Mr. Semenza:

RE: HOWARD WINGE WILL CONTEST

ENCL 1

In conformance with the request of the Director of the Federal Bureau of Investigation in the attached memorandum dated October 28, 1977, please take the appropriate action to resist the subpoenas issued in the subject litigation for the testimony of Special Agent James E. Lile, Document Examiner, Laboratory Division, and Mr. Quintus Ferguson, Fingerprint Specialist, Identification Division of the FBI.

There appears to be at least two grounds for resisting.

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deleted under exemption(s) _____ with no segregable material available for release to you.

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

5

Page(s) withheld for the following reason(s):

Duplicate copy of 95-211845-71. FBI Letter 10/10/77 To the Deputy Attorney General.

For your information: _____

The following number is to be used for reference regarding these pages:

95-211845-77. PAGES 2 thru 6.

XXXXXX
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State of Nevada
Office of the Attorney General
Capitol Complex
Carson City 89710

Robert Fist
Attorney General

THE BIRDS OF BORNEO

January 3, 1978

Assoc. Dir. _____
Dep. J.C. Dir. _____
Dep. AD Inv. _____
Ass't Dir. _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Econ. _____
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Soc. Inv. _____

Training _____
Public R. M. _____
Telephone _____
Director's Secy. _____

Mr. Clarence Kelley, Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Kelly:

The Bureau has been most cooperative with this office in the investigation of a document offered as the last will and testament of Howard R. Hughes. Your agents have done extensive work in the area, particularly in fingerprint and handwriting analysis, and have made themselves available for depositions in the litigation concerning the validity of the will.

This office is deeply involved in the case, due to the vast amount of money at issue and the far-reaching implications of a document which your office indicates is not valid. We realize that your office is over-burdened with matters of great importance. However, we seek to prevail upon you to consider the request of counsel ~~RE~~ CLOSURE and the Court for your agents to appear as witnesses in that proceeding. I have attached a copy of the transcript where Judge Hayes indicated his deep concern and desire for their attendance, and I have represented to the court personally and through my staff, that I would do all ~~in~~ my power to assure their presence.

|| I would also like to point out that it was my understanding, through our previous conversations, that these individuals would be made available for trial - which apparently is in contradiction to your understanding.

ENCLOSURE

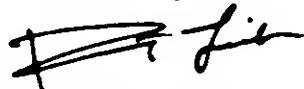
1-3,5 D.A.R. Legal Counsel to Assoc Dir,
1978, 9 Am. L. J.

ab, 11/17/78 SEL/LLS/ban

Mr. Clarence Kelley, Director
January 3, 1978
Page Two

I therefore respectfully request that you reconsider
your decision to oppose the appearance of Messrs.
Ferguson and Lyle at the hearing.

Sincerely,



ROBERT LIST
Attorney General

RL:lt
Enc.

cc: Attorney General Griffin Bell
Associate Attorney General B. B. Civiletti
Associate Attorney General Michael J. Egan
U. S. Attorney Mahlon Brown, III

1 CASE NO. 7276
2 DEPT. NO. NINE

P-142
12-3-9 1977

Office of the Attorney General

6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CLARK

8 * * * * *

9
10 IN THE MATTER OF THE ESTATE OF)
11 HOWARD ROBARD HUGHES, JR.,)
12 Deceased.)
13 ANNETTE GANO LUMMIS; BARBARA)
14 CAMERON, AGNES ROBERTS, and)
15 ELSPETH DEPOULD,)
16 Contestants-Plaintiffs,)
17 vs.)
18 HAPOLD RHODEN, Substitute for)
19 NOAH DIFTRICH,)
20 Proponent-Defendant.)
21

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS

23 BEFORE THE HONORABLE KEITH C. HAYES, DISTRICT JUDGE

24 Monday, December 19, 1977

25 VOLUME 23

26 Clark County Courthouse
27 200 E. Carson
28 Las Vegas, Nevada

rl8ul 1 THE COURT: Mr. Etman, you will be here on the 4th
2 of January?

3 MR. ETMAN: If I have to, yes.

4 THE COURT: I am directing that you be here; is this
5 understood?

6 MR. ETMAN: Thank you.

7 THE COURT: Mr. Preese.

8 MR. PREESE: Your Honor, I hoped to get in touch
9 with Attorney General Menchetti and ask him to be present.

10 We got a letter from Mr. Clarence Kelly,
11 and I could show it to you -- I am sorry, this is the wrong
12 one. I think I have it with me, if I can dig it out.

13 But the effect of the letter, if I can
14 represent to you, is I wrote to the Attorney General of the
15 State of Nevada and to the person identified by the Attorney
16 General List as the one in charge of the F.B.I. agents, and
17 requested the availability of Mr. Lile and other handwriting
18 examiners who supported him, and also Mr. Quintus Ferguson, who
19 did the basic fingerprint work.

20 I received a letter back to the effect under
21 a certain statute they were not obligated to produce witnesses
22 at trials and they would resist any subpoena.

23 In the letter it was stated that they were
24 under the impression that if a deposition was given it was
25 unnecessary for them to appear at trial, and respectfully
26 declined to honor our request or otherwise produce witnesses.

27 Mr. Menchetti told me in the hall he was
28 confident if you made it very clear that the witnesses should be
29 made available and that were made known to the Attorney General
30 directly that he is confident that he then could persuade Mr.
31 Kelly, of the F.B.I., to make these witnesses available.

32 Since Mr. Menchetti is not here and now we

rl8u2 1 are recessing, I haven't time to get him here.

2 Is there anything you could do, by way of
3 getting him over the holidays, to make the witnesses available

4 THE COURT: My understanding was that the Federal
5 Bureau of Investigation would make the people available to come
6 here as witnesses, and I am surprised any other position may
7 have been set out, and I really expect and I, if you want to
8 convey this to Mr. Menchetti or to Mr. Kelly, the head of the
9 F.B.I., it is that we expect and we have been expecting and
10 we would certainly appreciate the cooperation of the F.B.I. in
11 producing these witnesses.

12 MR. FREESE: Very well. I will make a copy of
13 the transcript and send it on to see what I can do with it.

14 THE COURT: Yes. I won't say I have been
15 "operating," but proceeding under that assumption, on someone's
16 representation that was going to be the situation.

17 Anything else?

18 Thank you, gentlemen, we will see you.

19 Merry Christmas.

20 (Whereupon the proceedings were recessed
21 until January 4, 1978, at 9:30 a.m.)

22 * * * * *

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31

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director *R. G. Hunter*

FROM : Legal Counsel *J. M.*

SUBJECT: ESTATE OF HOWARD HUGHES

DATE: 1-12-78

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Crim. Inv. _____
Fin. & Purch. _____
Ident. _____
Inves. _____
Laboratory _____
Legal Coun. _____
Plan. & Ins. _____
Rec. Agnt. _____
Spec. Inv. _____
Tech. Serv. _____
Training _____
Public Aff. Off. _____
Telephone Rm. _____
Director's Sec'y. _____

PURPOSE:

To determine the policy ^{of} requesting expert testimony in captioned matter and to cause the preparation of an appropriate reply to the Attorney General of Nevada.

SYNOPSIS AND DETAILS:

Previously Special Agent James E. Lile and Fingerprint Specialist Quintus L. Ferguson testified at depositions regarding examinations of an alleged Hughes' will being contested in a probate action in Nevada. In a similar suit in Texas, requests for testimony at trial were declined by the Director who authorized depositions to be given in Texas as they had been given in the Nevada case. *B*

The Director has now received a letter (attached) from the Attorney General of Nevada explaining that the request for trial testimony in Nevada is being made by the court as well as counsel and stating his understanding, through previous conversations with the Director, that the FBI witnesses would be made available for trial though that appears to be contrary to the Director's understanding. *REC-42 95-211845-79*

I have addressed the legal issues in this matter previously, the remaining issue is one of policy on making available FBI expert testimony in a case of the magnitude and possible significance as that of the estate of Howard Hughes. The Director's response to the Attorney General's January 3, 1978, letter should be aided by a current assessment of this matter by those directly involved in the administration of the fingerprint and handwriting expert services of the Bureau.

Enclosure

(See addendum of Identification Division page 6)

1 - Mr. McDermott

1 - Mr. Kelleher

1 - Mr. Kent

1 - Mr. Long

1 - Mr. Mintz

AM: bpr

(5)

(See Laboratory Division addendum
pgs. 3, 4, 5)

CONTINUED - OVER
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-110

FBI DOJ

Memo Legal Counsel to the Associate Director
Re: Estate of Howard Hughes

RECOMMENDATION:

That the Identification and Laboratory Divisions furnish recommendations regarding Bureau policy in this matter and cooperate in preparing for the Director a reply letter to Attorney General List.

Mr. McDermott has advised that on 1/12/78 he received a call from Brian P. Gettings whose law firm is involved in several different probate actions concerning the "Mormon Will" on behalf of contesting parties. Gettings was previously advised that the FBI would not authorize the document examiner and fingerprint specialist to testify at any civil trials, but that authorization was granted for providing depositions. (See letter from the Director to Gettings dated 12/20/77.) Gettings advised Mr. McDermott that an ink examiner of the Bureau of Alcohol, Tobacco and Firearms (ATF) Laboratory, Treasury Department, had testified to the results of his ink examinations of the will at the probate trial in Las Vegas. Gettings expressed his opinion that the Federal government was not being consistent in its response to requests for expert testimony relating to the will.

For information, the ATF Laboratory has established the most comprehensive ink reference library in the country and as a result is unique in its ability, in many instances, to date the manufacture of certain inks. In their examination of the ink with which the will was written they apparently determined that the ink was of a type manufactured prior to the purported date of preparation of the will. While this does not authenticate the will, neither does it prove it fraudulent.

In regard to the FBI's position in this matter, it has been long standing policy of the Laboratory not to examine evidence or provide testimony in strictly civil matters involving private individuals and not involving the Federal government. For many years requests of this nature have been denied. In this particular case the final decision was referred to the Department of Justice by Legal Counsel (see memorandum to the Deputy Attorney General from the Director, dated 10/28/77) pursuant to the provisions of Title 28, Code of Federal Regulations, Section 16.24(b) (1976), as amended by Departmental Order 693-77, effective 3/30/77. By letter to the U. S. Attorney at Las Vegas dated 11/2/77, Deputy Attorney General Flaherty advised that the Department had ruled that the document examiner and the latent fingerprint examiner need not testify at the civil trial at Las Vegas. By letter dated 11/9/77, the U. S. Attorney, Las Vegas, advised the attorney for the Defendant-Proponent that his request for FBI expert testimony was being declined. Similarly, by

letter from the Director to the attorney for the contestants, dated 11/10/77, the FBI again declined a similar request on the same grounds.

The position of the FBI and of the Department of Justice has been consistent in response to all inquiries and requests. Extensive depositions have been provided concerning the results of FBI document and fingerprint examinations. All interested parties from the Las Vegas civil trial were represented at those depositions and were offered full opportunity for cross examination.

The FBI's position was re-studied in response to memorandum to the Director from Legal Counsel, dated 12/1/77. At that time the Director commented "Submit depositions," ruling against actual trial testimony.

In all previous correspondence and conversations with interested parties, they have been advised consistently and repeatedly that the FBI conducted the technical examinations of the will at the request of Nevada Attorney General List for a criminal investigation. His office was advised that authority could not be granted for the appearance of the experts at a civil proceeding. His representative at the taking of the deposition, Attorney Gino Menchetti, referred to in the attached transcript, was similarly advised, as were the other attorneys present, including Attorney Paul L. Freese, quoted in the attached transcript.

Based upon his comments in the attached letter, Attorney General List's office is "...deeply involved in the case due to the vast amount of money at issue..." He makes no mention of the criminal matter [REDACTED] b5

It should be further noted that at least two other reputable private document examiners hired by the interested parties have examined the will and also determined that it is not authentic. One of these is retired FBI Laboratory Document Examiner SA Lyndall L. Shaneyfelt. These experts are already scheduled to testify [REDACTED] b5

The Laboratory recommends that the document examiner, SA James E. Lile, not be authorized to testify at the probate trial in Las Vegas or at any other location involved in purely civil proceedings. This is based upon the following:

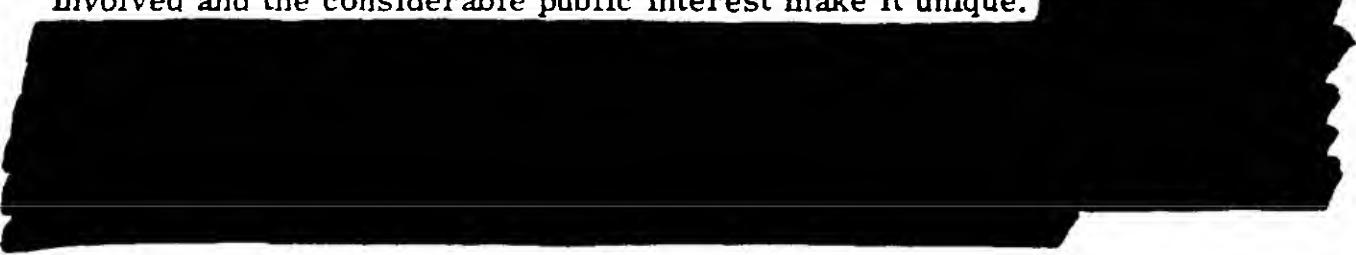
1. 2. 3. 4. 5. 6.

APPROVED:	Edm. Serv.	Legal Case.
Director:	Comm. Secy.	Plan. & Imp.
	Ex. Secy.	Proc. Month.
	Lab.	Sys. Inv.
	Laboratory	Techn. Servs.
Dep. Ad. Secy.		Training
		PLANS, ACTS, OFF.

The position and recommendation of the Identification Division in this matter was previously set forth in addendum 12/5/77 to memorandum 12/1/77, Legal Counsel to the Director, captioned "Estate of Howard Hughes." We recommend that FBI examiners be made available for depositions and/or testimony at trial in any legitimate civil proceedings in which they are needed and in which their testimony is relevant and germane.

We are not unmindful of Bureau policy not to examine evidence or provide testimony in strictly civil matters. By way of background, at the request of the Attorney General for the State of Nevada, the so-called "Mormon Will" of Howard R. Hughes, Jr., and related materials were examined by the Laboratory and Identification Divisions in connection with a state criminal investigation of Melvin Dummar for forgery and perjury. Dummar was named in the will as one of the beneficiaries. We have on previous occasions provided testimony in civil proceedings in cases where the civil action followed a criminal matter in which we had examined evidence. Thus, a decision to provide testimony in this matter would not be precedent setting.

The estate of Howard R. Hughes, Jr., involves billions of dollars. There are millions of dollars involved in Federal and state taxes. The Hughes estate matter has been clouded by mystery since the discovery of the so-called "Mormon Will." The enormity of this case, the staggering sums of money involved and the considerable public interest make it unique.

35

ATTACHMENT:	FILED SERIALIZED	FILED COPY
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1-101	1-101	1-101
1-102	1-102	1-102
1-103	1-103	1-103

FBI/MP

December 20, 1977

- 1 - Mr. Ash
- 1 - Mr. Kelleher
- 1 - Mr. Lile
- 1 - Mr. Ferguson
- 1 - Mr. Mintz

Charles Morgan, Jr., Esq.
Suite 705
810 18th Street, N.W.
Washington, D.C. 20006

Dear Mr. Morgan:

In response to your call on December 1, 1977, please understand that, due to general policy considerations, I must decline your request to authorize testimony at trial by Special Agent James E. Lile and Fingerprint Specialist Quintus L. Ferguson in both Estate of Howard Hughes, deceased, pending in Probate Court #2, Harris County, Texas, and in the Matter of the Estate of Howard Hughes, pending in the Eighth Judicial Court of the State of Nevada, Clark County, Nevada. However, to afford all parties requesting such testimony equal treatment and to accommodate the interest of justice, I have authorized Special Agent Lile and Fingerprint Specialist Ferguson to appear for depositions at a time and place convenient and there to testify as to their expert examinations of an alleged will of Howard Hughes.

Arrangements for the depositions may be made by communicating directly with Special Agent Lile and Fingerprint Specialist Ferguson at FBI Headquarters, Washington, D. C. 20535.

Sincerely yours,

C M Kelley

Clarence M. Kelley
Director

95-211845-

See Note Part 2

Assoc. Dir. —
Dep. AD Adm. —
Dep. AD Inv. —
Ass't. Dir. —
Adm. Secy. —
Com. Inv. —
Fin. & Per. —
Invent. —
Info. —
Laborator. —
Legal Coun. —
Plan. & Inst. —
Rec. Mgr. —
Secy. —
Treas. —

Charles Morgan, Jr., Esq.

NOTE: See memo Legal Counsel to Director dated December 1, 1977,
captioned "Estate of Howard Hughes" and letter from Brian P.
Gettings to the Director dated November 29, 1977.

APPROVED:

Director

Asst. Director

Dep. AD Admin.

Dep. AD Inv.

Adm. Serv.

Crim. Inv.

Fin. & Fug.

Intell.

Laborator.

Legal Coun.

Plans & Inv.

Rec. Mgmt.

Spec. Inv.

Tran. Servs.

Training

Public Affs. Ctr.

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 12-1-77

FROM : Legal Counsel

SUBJECT: ESTATE OF HOWARD HUGHES

DECEASED

U.S.A.

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At the Executives Conference this morning you requested me to handle a telephone call received for you from Charles Morgan at 11:25 a.m. I spoke with Mr. Morgan and he told me that he is associated with Jerris Leonard and other attorneys who are representing various interests claiming title to shares in the estate of Howard Hughes. He said that Jerris Leonard had organized a large group of lawyers and the respective shares of the claimants being represented by this group of lawyers have been identified and agreed upon. Morgan said that a 9.5 per cent interest in the estate is claimed by Avis Hughes McIntyre and Rush Hughes who are his clients. Morgan explained that Rupert Hughes, an uncle of Howard Hughes, had married a woman who had two children by a previous marriage. Although no formal adoption procedures were instituted, the two children assumed the family name "Hughes" from their infancy and under Texas equity law the claimants Avis Hughes McIntyre and Rush Hughes will be able to establish that they are in the position of adopted children and, therefore, heirs to the estate through the relationship of Rupert Hughes.

U.S.A. Morgan's request that the Identification and Laboratory examiners from the FBI be permitted to testify is based on his need to establish the invalidity of an alleged will that has been submitted for probate and which is identified by reference to Melvin Dumar. MELVINE DUMAR

There are two probate cases concerning this alleged will. The first case is pending at Las Vegas, Nevada, and the second case is pending in Houston. The FBI examiners appeared for depositions in Los Angeles, California, in connection with the case pending in Las Vegas. At that deposition, many of the interests were represented; however, the 9.5 per cent ^{Interest} represented by his clients' claims was not represented by counsel at the depositions and counsel for them have not

~~15 JAN 5 1973~~

1 - Mr. Ash

1 - Mr. Kelleher

- SEE LABORATORY DIV. ADDENDUM PAGE 3 -

1 - Mr. Mintz

- SEE IDENTIFICATION DIV. ADDENDUM PAGE 4 -

1 - Legal Research Unit

JAM:bpr

(5)

95-211845

NOT RECORDED

12 JAN 10 1978

CONTINUED - OVER
By U.S. Savings Bond Register, on the Paper Savings Plan

56 JAN 23 1978

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Training
Public Aff. Off.
Telephone Rec.
Director's Sec'y

**Memo Legal Counsel to the Director
Re: Estate of Howard Hughes**

made an appearance in the Las Vegas case. Appearance in their behalf has been made in the Houston case. Because there was no representation at the depositions and there has been no appearance in the Las Vegas case where the depositions might be entered, the testimony given by our examiners at deposition in Los Angeles is subject to objection by the lawyers handling the Houston case.

I asked Mr. Morgan whether he intended to request our examiners to give a deposition for purposes of the Houston case. He said he had no such intention. His only request is that the examiners be available for testimony at trial.

Mr. Morgan's request, of course, presents complications because the Bureau has previously refused to authorize testimony in the Las Vegas case but testimony for purposes of depositions for that case was authorized.

RECOMMENDATION:

Memo Legal Counsel to the Director
Re: Estate of Howard Hughes

Submit depositions.

5

APPROVED:	Adm. Serv.	Legal Coun.
Director	Crim. Inv.	Plan. & Int.
Assoc. Dir.	Fin. & Pers.	Rec. Mgmt.
Dep. AD Adm.	Ident.	Spec. Inv.
Dep. AD Inv.	Intell.	Tech. Serv.
	Laboratory	Train. op.
		Public Atty. Off.

ADDENDUM: LABORATORY DIVISION JEL/kaf 12/5/77

It is agreed that the Bureau should be consistent in its degree of cooperation to requests received from parties involved in the private civil litigation in this matter.

15

APPROVED:	Adm. Serv.	Legal Coun.
Director	Crim. Inv.	Plan. & Int.
Assoc. Dir.	Fin. & Pers.	Rec. Mgmt.
Dep. AD Adm.	Ident.	Spec. Inv.
Dep. AD Inv.	Intell.	Tech. Serv.
	Laboratory	Train. op.
		Public Atty. Off.

ADDENDUM OF IDENTIFICATION DIVISION

R. H. Ash:ed

12-5-77

The estate of Howard Hughes involves billions of dollars. There are millions of dollars involved in Federal and state taxes. Howard Hughes was and is a notorious personality. His estate has been clouded by the mysterious discovery of a will which is purported to be spurious. The enormity of this case and the considerable public interest make it unique.

APPENDIX

Director _____
Assoc. Dir. _____
Dep. Ad. Mgr. _____
Dep. Ad. Dir. _____

三

1 - Mr. McDermott (sent Direct)
1 - Mr. Kent (sent direct)
1 - Mr. Long (sent direct)
1 - Mr. Mintz (sent direct)

January 19, 1978

PERPETUAL GOVERNMENT

1 - Mr. Kelleher
1 - Mr. Kelly
1 - Mr. Lile

Honorable Robert List
Attorney General
State of Nevada
Carson City, Nevada 89710

Dear Mr. Attorney General:

I have received your letter dated January 3, 1978, relating to the probate action in Nevada concerning the estate of Howard Robard Hughes, Jr. *Exhibit 12*

It has been the long-standing policy of the Federal Bureau of Investigation not to accede to requests for technical examinations or testimony at trials related to civil matters. The FBI has only limited technical resources and expert manpower, all of which are dedicated to criminal law enforcement, and could not possibly meet the demands which would result from entering into civil matters. As a result, the FBI has consistently refused all such requests. FEB 2 1978

MAILED 12 JAN 19 1978

Assoc. Dir. --
 Dep. AD Adm. --
 Dep. AD Inv. --
 Asst. Dir. --
 Adm. Ser. --
 Com. Inv. --
 Fin. & Pers. --
 Ident. --
 Install. --
 Laboratory --
 Legal Coun. --
 Plan. & Insp. --
 Rec. Mgmt. --
 Spec. Inv. --
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 F. & A. --
 Telephone. En. --
 Director's Ser. --

Contrary to your impression, I made no commitment to make these individuals available for trial. However, upon receipt of your letter I caused this policy to be reevaluated and studied. As a result, taking all facts of this matter into consideration, I have decided that my previous decision was appropriate and that I will not approve the personal appearances of Special Agent James E. Lile and Mr. Quintus Ferguson, Fingerprint Specialist, at the civil action in Las Vegas, Nevada. Attorneys for the Defendant-Proponent and for the Contestant were advised in previous correspondence of the decision not to authorize the personal appearances of these experts at the civil action.

Sincerely yours,
Note: Refer to memo to The
Associate Director from Legal
Counsel dated 1/12/78, caption- C. M. Kelley
ed "ESTATE OF HOWARD
HUGHES" Clarence M. Kelley

rence W. Kelley
Director

F. A. C.
Telephone En
Directors Soc'y

UNITED STATES GOVERNMENT

Memorandum

TO : Director, Federal Bureau
of Investigation

DATE: January 27, 1978

FROM: Benjamin R. Civiletti
Assistant Attorney General
Criminal Division

FEDERAL GOVERNMENT
BRANCH
113-46-21
46-16-1242

SUBJECT: In the Matter of the Estate of Howard R. Hughes
Eighth Judicial District Court of Nevada

The Office of the Attorney General for the State of Nevada has forwarded to Attorney General Bell a copy of Attorney General List's letter to you dated January 3, 1978 together with a copy of the transcript of the State Court proceedings in the above entitled matter.

Nevada Attorney General List appears to have gained an impression that agents of the Bureau would be available as witnesses in a trial in the State Court. That impression is reported to be at odds with the understanding of the Bureau. It will be appreciated if you will furnish the Criminal Division appropriate information to enable us to have an understanding of the matter.

REC-8

95-211845-81

27/14
21 JAN 28 1978

EX-124

2-ENCLOSURE



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXP. PROC.

JAN 30 1978

9

APR 1978
JUN 1978
7/14

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deleted under exemption(s) _____ with no segregable material available for release to you.

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Document(s) originating with the following government agency(ies) _____ was/were forwarded to them for direct response to you.

____ Page(s) referred for consultation to the following government agency(ies) _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

5 Page(s) withheld for the following reason(s):

*Duplicate copy of 95-211845-78 letter 7/3/78
with envelope.*

For your information _____

The following number is to be used for reference regarding these pages:
95 211845 - 81 Enclosure

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Mr. Hollister
Mr. Kelly
Mr. Mohr

3

The Assistant Attorney General
Criminal Division

2/2/78

Director, FBI

FEDERAL BUREAU OF INVESTIGATION

IN THE MATTER OF THE ESTATE OF
HOWARD R. HUGHES,
EIGHTH JUDICIAL DISTRICT COURT OF NEVADA

In reference to your memorandum in this matter dated January 27, 1978, refer to my memorandum to the Deputy Attorney General dated October 26, 1977, for background information.

At the request of Attorney General List of Nevada, the FBI Laboratory and Identification Division conducted document and fingerprint examinations of the so-called "Mormon will" of Howard R. Hughes. These examinations were made in connection with a state criminal investigation of Marvin Durmar for forgery and perjury.

Attorney General List was routinely advised prior to the examinations that the examinations were being conducted with the understanding that the evidence was connected with an official investigation of a criminal matter and that authorization could not be granted for the use of the results of the examinations in connection with any civil proceeding. This is consistent with the Bureau's position as expressed in the Arch Moore case in which the Department concurred.

AMERICAN
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Memorandum to The Assistant Attorney General
Criminal Division
IN THE MATTER OF THE ESTATE OF
HOWARD R. HUGHES,
EIGHTH JUDICIAL DISTRICT COURT OF NEVADA

This has been the long-standing policy of the FBI to prevent our experts from becoming needlessly embroiled in time-consuming purely civil matters which would seriously hamper our criminal law enforcement functions.

Due to the magnitude of the issue and in the interests of justice, however, the document examiner, Special Agent James E. Lile, and the Fingerprint Specialist, Mr. Quintus Ferguson, were authorized to provide depositions at which all interested parties were afforded an opportunity for cross examination. This was done to avoid time-consuming personal appearances at subsequent proceedings. At no time did the FBI agree to provide any expert personnel for testimony at any civil proceedings in Nevada State Court.

In response to the letter from Attorney General List dated January 3, 1978, he was advised of my decision by letter dated January 19, 1978. A copy of my letter is attached.

Memorandum



To Assistant Director *RPT/ce*
Records Management Division

From Assistant Director
Laboratory Division

Subject Estate of Howard H. Cos

Date 3/4/81

9

18 There is enclosed the file which has been maintained
in the Laboratory in connection with the above-captioned matter.
It is desired that this file be maintained as an enclosure to the
main file in the Records Services Section.

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ENCLOSURE IN ENVELOPE

64 MAR 5 1981

Memorandum



To: Assistant Director RPP/CC
Records Management Division

From: Assistant Director
Laboratory Division

Subject: Estate of Howard Hughes

Date 3/6/81

RPP/CC 5
Howard R. Hughes

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There is enclosed the file which has been maintained in the Laboratory in connection with the above-captioned matter. It is desired that this file be maintained as an enclosure to the main file in the Records Services Section.

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